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NATIONALISM IN THE BRITISH EMPIRE[1]

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The time and the place are the fitting setting for a discussion of the nationalism of the British Empire—that Empire which is more than a State, more than a union of States, greater than a confederation, more powerful than a league; an Empire composed of so many different, diverse and, at times, seemingly antagonistic elements that it has long been predicted by statesmen and theorists it would disintegrate at the first shock. The test has been met and endured. The British Empire is stronger because of the stress.

In a few hours there will be brought to a close the most blood stained year in all history. No man dare predict what misery or happiness the mystery of the new year will reveal, how many maps of Europe will be rolled up, who will make the penitential pilgrimage to Canossa, whether thrones will be shaken in the dust or nations survive; but one prophecy can be made, and for that the vision of the seer is not necessary. The events of the last eighteen months have proved to the world that the British Empire is bound by no frail rope of sand but is linked by bonds of steel. It is no weak structure built on shifting ground. It is an Empire of many races and creeds, but one in its unity. Come what may, the British Empire lives, and in the year to come, as in

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the years to follow, no matter what sacrifices it may be called upon to make the spirit of nationality will become more vigorous, for its people are now united as never before. They are in very fact blood brothers. In Flanders and in France, in the Gallipoli peninsula and in Serbia the soil has been stained with the blood of the Empire, the blood of the motherland, its dominions and colonies, and the blood of its sons is the strength of Empire. Eighteen months ago the Empire was to many of its people an expression, today it is a living reality. For it men have died. And that for which men make glad sacrifice is to the living sacred.

No place more appropriate than Washington, not even London itself, could be selected for a discussion of the nationalism of the British Empire, for it was Washington, the man, and the lesson taught us in the eighteenth century by the United States that brought about the change in the governance of the Empire that laid the foundation of its strength.

I have often regretted that English boys and the students of English universities are not required to study American history. It would, I believe, well repay the time devoted to the subject, and if the study was intelligently pursued it would not only enable Englishmen to have a more sympathetic comprehension of America but in time they might be able to make Americans understand the causes that brought about the separation between the motherland and her American colonies. Most Americans have only vague ideas on the subject. Many believe that it was some sort of a petty dispute about the price of tea—as if one of the great epochs of history was of no greater dignity than a corner grocery squabble between its grasping proprietor and a shrewish housewife—others have some sort of a hazy notion that "taxation without representation" made the colonists take up arms. Now the truth is that England lost her American colonies because England was not one whit better nor one whit worse than her time, no more intelligent and no less selfish than her age. A colony was regarded by the parent state as something to be exploited, and the colonists, to use a very expressive Americanism, were "to be charged all that the traffic would bear." It had always been so. It was the baleful legacy of the ancients. It

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was the teachings of Rome too faithfully observed by Spain, Holland, France and England when they spread out and brought the undiscovered lands under their dominion. Almost invariably the colony came to the parent state as the spoils of war, an alien people were brought under alien ownership, and seldom if ever did sympathy or a desire for mutual understanding enter into the relation. The colony was regarded simply as a source of wealth, valuable only as it could be made to yield to the tax gatherer, valueless if it did not swell the national revenues. The Greeks as well as the Romans, the Spanish, the Dutch, the French and the English traveled this miserable road. Whether it was satrapy, province, possession or colony they were all administered with the sole purpose to make the suzerain rich regardless of the injury done to the vassal.

To America came not a new people but an old race who gathered new ideas from a virgin soil. Perhaps the ideas were not new, perhaps they had long been germinating, but it was on the soil of the American continent they first struck root and came into flower. The American colonists were not only tired of being exploited for the profit of England but they were resolute enough to resist it. The consequences we all know.

But greater consequences were to follow, that is, if it be permissible to suggest to this audience there could be consequences greater even than the independence of the United States. The lesson taught by the American colonists was not learned immediately, because governments are slow to learn and obstinate in adhering to tradition, but it was the beginning of a new relation between Great Britain and her colonies, and it made possible the Empire as we today know it, an Empire held together by strong ties of affection, mutual interest and conviction in the justice and benevolence of British rule. The change did not come at once—it is only nature that is catastrophic, man is never; for nature lets her fury loose when she is in reforming mood, but man must work with infinite patience—generation after generation of statesmen had to pass before the old system of colonisation was abandoned. The age long theory of government of the Greeks and the Romans was replaced by the British. That is the world's

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debt to England. She has taught the world the science of the government of colonies; of colonies built up by her sons who have gone across the seas and planted the seed in a new land, as well as colonies of men alien in speech and color.

Experience taught British statesmen that there could be no permanent connection between the parent state and a colony unless it was the same relation that ought to exist between parents and children. If a father regards his sons as simply the means of increasing his own income, if he abuses their tender strength and takes from them their wages, for him they will have no sense of gratitude and no feeling of affection, rather they will sullenly think of him as a harsh taskmaster and count the days when they can escape from his control. Let him, on the other hand, protect them and encourage them in their youth, and in their manhood they will support his declining years, and feel the pride of family.

It is as a benevolent parent England has dealt with her colonies since she was freed from the intellectual shackles of Greece and Rome. A well known English publicist has put in an epigram the English character by saying "we shall follow our rather sensible British custom of first doing a thing and then discovering that we have done it," which is an admirable presentation of the English mind. The English are not a logical race. They do not reason deeply, nor have they the power and love of analysis. But they have a peculiar faculty of doing a thing and then discovering not only that they have done it but that it was the right thing to do. Had Frenchmen or Germans been possessed of the colonising spirit of England in the early decades of the nineteenth century, and had it penetrated their intelligence that the old system was wrong and a new relation must exist between the parent state and its colonies, doubtless voluminous disquisitions, brilliant, logical and keenly analytic in the one case, and profoundly scientific in the other, would have been written in support of the charge. You will find little of this in English writings. You will find, of course, controversy and criticism, you will find men with a glimmering of the truth, who resented being kept in a state of tutelage, who saw the folly of a system that must inevit-

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ably lead to disaster, but there was no philosopher with vision great enough and brain strong enough to create a school.

The change came about, as I have said, gradually, casually almost, if I may use the word, born of experience. The loss of the American colonies had shown that it was impossible for a sea flung empire to endure if the strength and wealth of a colony were to be drained for the enrichment of the motherland, which instead of performing the function of a mother and nurturing her young was a harpy to suck their vitality. Statesmen sat at the feet of economists and to their amazement learned that a nation did not become rich simply because it sold, but there was a profit to be made when it bought. The old fear that a colony would become so rich and so strong that it would assert its independence gave place to the knowledge that the wealth and strength of a colony contributed to the wealth and strength of the Empire, that the colony could be conscious of its own nationality without weakening the spirit of the nationality of the Empire; that autonomy was not inconsistent with imperial unity.

That, in a few words, is the principle on which the British Empire of today is founded. Great Britain has no jealousy of her colonies and her colonies have no fear of Great Britain. Our self governing dominions are in fact as well as in name dominions. They are no less self governing and independent states, practically sovereignties, because of the Imperial connection, rather it is the Imperial connection that has enabled them to be independent nations; independent in everything that affects themselves, partners in the Empire of which they are justly proud. A Canadian, an Australian, a South African holds dual allegiance. He is a citizen of his own nation, glorying in its past and confident of its future; a past inseparably associated with the Empire, its future not apart from but a part of the Empire he has helped to build and to maintain. The more intense that spirit of local allegiance the greater the devotion to the Empire.

These are not mere assertions. The proof is to be found in the events of the last year, it is written in the blood soaked fields of Northern France, Serbia, and Turkey. When war was declared the Empire responded. Canadians vied with English-

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men, Australians with Scotchmen, South Africans with Welsh, Indians with Irishmen, inspired by the devotion they had for their own country, as well as for all the other countries composing the Empire. Here then was the test to determine whether the British Empire was merely patches of red on the map or a living entity held together by the dynamic agent of nationalism. The Empire has been consecrated anew in the blood of its children.

It is curious how men love to discuss questions with seriousness when the discussion is purely academic and how their fine spun theories are shattered when the necessity compels action. It was only a few years ago that in more than one of the self governing dominions newspapers and responsible ministers argued that an act of war by Great Britain did not necessarily involve the rest of the Empire. England, they held, might be at war, South Africa or Canada might remain at peace unless their governments declared in favor of war; in the absence of that declaration they were neutral. It was of course an absurd and ridiculous theory, because an Empire cannot be a unit in peace and independent and detached states when one of them is at war. It is not necessary that I should discuss that phase of colonial political thought, I mention it simply as of interest contrasted with what has actually happened. When war was declared last August a year ago there was no question of Canada or South Africa or any other dominion, dependency or colony remaining neutral and being absolved from its status as a belligerent. The sword had been drawn, and in all parts of the Empire men were girding themselves for the struggle.

I think what happened in August, 1914, is one of the most remarkable incidents in all history, the significance of which has been too little appreciated because, despite its tremendous importance, it was done so undramatically. Consider what did happen. The British Government went to war without consulting the rest of the Empire, without the slightest assurance of support from its over sea dominions, without any direct appeal to them for assistance. It took it for granted that support and assistance would be forthcoming, nor was this confidence misplaced. No man white or black then debated the question, no

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government, autonomous or imperially controlled, had any doubt as to its duty. How magnificently that duty has been performed the world knows. Inspired by the spirit of nationalism dominions and dependencies, animated by loyalty and affection, gave the best of their manhood and their wealth for the protection of the Empire.

It was perhaps not surprising that countries settled by the English should prove their descent when England was in peril, but India's devotion stands, I think, without parallel. A dependency won by the sword and for generations held by the sword, whose people are alien in thought and language and customs to the ruling class, like them responded with the same alacrity to the trumpet's call, like them were filled with the same determination to protect the Empire. The native population knows that England has given them justice and improved their condition; the great chiefs knew that if England withdrew from India peace and order would be destroyed. It is a widespread belief that England exacts a heavy tribute from her great eastern dependency, but this is not true. Not one penny of the Indian revenues is diverted from the Indian treasury, the taxes paid by the people of India are spent in India for the support of the government and the development of the country. India is not autonomous, conditions make that impossible at the present time, but every year sees a larger measure of self government entrusted to the natives and a constant increase in the number of native officials. When Turkey allied herself with Germany the Sultan proclaimed a jéhad and called upon all true believers to come to the defence of Islam, but the Mohammedans of India have remained loyal to the King-Emperor and fought their fellow religionists, the subjects of the Sultan. The former spiritual allegiance of the Mohammedans of India to the Sheik-ul-Islam has been submerged by the greater secular allegiance to the nationalism of the British Empire.

Nationalism has grown, the ties of Empire have become stronger year by year, because after the first step the way was made easy. The first step, as you have been told, was to discard the old idea of a colony treated as an appanage and instead

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to look upon the colony as an integral part of the Empire, entitled to the same consideration of justice, benevolence and commercial advantage as the parent state; not to be held perpetually in tutelage but to be practically sovereign within its own borders; the maker and enforcer of its own laws; subject only to nominal, but nevertheless effective, imperial control. Such a system naturally brought all parts of the Empire in intimate contact and while encouraging state pride, using that term in its largest meaning, did not weaken the spirit of nationality. How well the system worked we see in South Africa. It was only yesterday, as history measures time, that Briton and Boer were enemies, and today Briton and Boer are loyally fighting side by side the common enemy. That alone would vindicate British statesmanship and prove the strength of the Empire.

I have given you more than one reason why in the past a perdurable Empire was impossible, and it became possible only when the genius of British statesmanship discovered the basic vice and removed it; now let me call your attention to a still further development of the great principle that an Empire to last must be governed not by self-imposed authority but by all its component parts having a voice in the government so far as their own interests are concerned.

Heretofore it was deemed inexpedient and dangerous for a colony to be entrusted with any share in the treaty making power. The treaty was a powerful weapon in the hands of the home government, it would be used as coercion or bribe, it was therefore too valuable a prerogative to be delegated. Nominally all British treaties are made by the British Foreign Office, which is the only agency recognized by foreign governments in international relations, actually the dominions make their own commercial arrangements, and they are consulted by the home government whenever a political treaty is negotiated which in any way affects them. So far has this recognition extended that it is not merely a private arrangement between the Imperial Government and the dominions, and in that case it would be simply a matter of domestic policy, but it has become part of the policy of the British

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Empire, of which formal notice has been given to the world by a clause inserted in the treaty to the effect that in any matter affecting the interests of a self governing dominion of the British Empire the concurrence of the government of that dominion must first be obtained.

Stop for a moment and think of the enormous historical development in colonisation. Compare the Roman rule of colonies that destroyed them economically, the Spanish colonising adventurers in America who came merely to wrest their spoil of gold and silver, and the spirit that has possessed the English colonist. The first thing the Romans did when they conquered a province was to build good roads, as good roads were a military necessity for the rapid march of their legions to enforce respect for the might of Rome. The first thing the English have done is to establish a government and set up courts of law so that the native might know justice would not be denied him. Under the Roman system there was little inducement for the conquered to merge their nationalism in the nationality of the conqueror; the English system while making no attempt to rob the native of his nationality, has unconsciously made him proud of his greater nationality, of the connection that unites him to the British Empire by "the crimson thread of kinship."

A Roman statesman, and for that matter an English statesman two centuries ago, could not have conceived the paradox of the loyalty of a colony to the parent state increasing the more the control of the home government relaxed. "Unless those troublesome colonists feel the iron hand," our statesman of the past would have said, "they will break loose. We won't encourage them by putting any foolish notions into their head; we won't let them take the first step that is always dangerous and proverbially leads to disaster;" and the statesman honestly believed that the only way to prevent separation was to keep the colonists in leading strings. The truth we see is the reverse. The mother country has paved the way to separation by granting the colonies autonomy and allowing each to work out its own destiny, and instead of that freedom encouraging them to cut the

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imperial painter and voyage under their own command it has strengthened the bonds of imperial unity. In the words of our greatest poet of empire:

> Daughter am I in my mother's house,
> But mistress in my own.
> The gates are mine to open,
> As the gates are mine to close.

This, I repeat, is the difference between the British Empire and all other empires that have preceded it—this dual status of mother as well as daughter, this system that makes for self government without destroying empire government. Rome, whether a so-called republic or under the sway of the Caesars, was never a republic as we understand a republican form of government, but was always an autocracy resting upon military force; Greece approached nearer our conception of democracy, and in some repects it was analogous to the British Empire. It was an aggregation, not a confederation, it should be remembered, of self governing communities, some continental and some insular, whose system of government was democratic, to whom sea power was as vital as it is to the British Empire, and who were a trading rather than a military people, but who could fight when necessity arose, as Marathon and Salamis bear witness.

Yet Greece went down very easily, and the reason is not obscure. The Greek city states were independent but not imperial, and there was no imperial nexus to weld them into one imperial unity. They were like a man whose limbs are perfectly developed but whose brain is atrophied, hence there is no coördination, and the extremities are not fully energised. Marvellous people as the Greeks were, marvellous people as the Romans were, so wonderful that they did things we with all our knowledge have not been able to equal, far less to excel, they were unable to grasp what to us is so self evident that a schoolboy accepts it as a truism, and not stopping to reflect regards it as natural as a chick should be hatched from an egg. Neither Greek nor Roman could perceive the paradox of independence and dependence, authority marching side by side with subordination, local self

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government supreme and yet yielding willingly to imperial requirements; dominions their own masters and still remaining the loyal children of their common parent.

If we look back less than half a century we shall see how narrowly the British Empire escaped the fate of all other empires. In the years when Mr. Gladstone was at the height of his power and the Manchester school threatened to destroy England with its pernicious policy of *laissez faire*, when Cobdenism was a fetich and cheapness was the one lesson political economy was required to teach, the colonies were held almost in contempt and regarded so lightly that it was immaterial whether they remained attached to the Empire or separated; more than one statesman looked upon the colonies as a nuisance and would gladly have seen the imperial connection dissolved; manifest destiny meant eventual separation: an amicable separation that would leave Great Britain stronger because she could devote all her energy to the development of her own resources and the extension of her trade unvexed by fear of political complications brought about through the colonies.

Fortunately destiny and the weakness of the colonies were more powerful than the short sighted folly of governments administered by incompetence. Had the colonies been as vigorous, as thickly populated and as conscious of their strength then as they are today I think it more than probable that the hope of Liberal statesmen would have been realized, the colonies would have struck the flag and raised their own standards, and the British Empire would have been only a historical memory. It is our good fortune that the colonies were in their youth and they were held to the Empire by sentimental as well as material considerations, men with greater vision came into power, and the danger, at one time very real and very near, passed, not again to threaten.

Since then nationalism and all that it connotes has powerfully seized the imagination of the people of the British Empire, and it is to a people with no common religion and no common tongue an ideal as well as an aspiration, recognized by all of them that the greater the development of nationalism the more impregnable the Empire becomes.

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We have not yet reached our full development, but the events of the past year have tremendously accelerated it. Those of us who a few years ago urged federation as the only means to save the Empire from dissolution were told that we were unnecessarily alarmed, that everything was going very well, and that it was folly to disturb existing arrangements. Now we are confident we are in measurable distance of seeing federation a reality. We shall see a council or some similar body sitting in London composed of delegates from all parts of the Empire. We shall see these delegates discuss all questions affecting the Empire at large, foreign policy, tariffs, naval and military armaments, immigration, everything, in short, that is imperial as distinguished from what is only of concern to its separated parts. England will govern herself then as she now does, Canada will make her own laws, but if England must again go to war it will be only after the dominions have been consulted and given their consent, because the British Empire must resist aggression. We shall then think imperially, and thinking imperially we shall think and act nationally. And we shall do that not because we have any further desire to increase the size or might of the British Empire, not because we have any ambition to impose our will on the rest of the world or to force other peoples to adopt our system, our customs, our ideas, or our scheme of civilization, but, to quote a recent writer on the subject, because "we believe it to be not only a great Empire but a good Empire, because on the whole we think it may become the most potent instrument ever forged by human hands to promote the order, the progress, the freedom, and the peace of the world."

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JUDICIAL DETERMINATIONS BY ADMINISTRATIVE COMMISSIONS[1]

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One of the most striking features of our constitutional law is the persistent purpose to protect the liberties of the people from arbitrary power by vesting the functions of sovereignty in three coördinate departments of government. This division is accomplished by express provisions in some state constitutions and by necessary implication in all constitutions, federal and state. By judicial construction the legislature may not exercise judicial or administrative powers; the executive may not exercise legislative or judicial powers, and the judiciary is denied the exercise of legislative or administrative powers. This fundamental principle of constitutional law is established by judicial decisions, both state and federal, of long standing and uninterrupted unanimity.

A commission is an administrative body; may it exercise judicial functions, and if so to what extent? The question involves, first, a definition of judicial functions; second, a statement of the exceptions to the rule that judicial powers may not be exercised by the administrative department; and, third, an appreciation of the relation of judicial determinations to the regulatory powers vested in commissions. We may then consider whether or not the present scope of judicial determinations by commissions, and the court review of such determinations, are satisfactory.

[1] A paper read at the annual meeting of the American Political Science Association, December 29, 1915.

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I. JUDICIAL ACTS

In the Prentiss case (211 U. S., 210, 226), Mr. Justice Holmes speaking for the supreme court, said:

"A judicial inquiry investigates, declares and enforces liabilities as they stand on present or past facts and under laws supposed already to exist. That is its purpose and end."

Judicial acts or power have been defined in many opinions, but in none has it been stated more concisely and comprehensively than by Mr. Justice Holmes. This definition states the nature of a judicial act and provides a ready test whereby we may determine whether or not specific acts by a commission involve the exercise of judicial powers.

II. EXCEPTIONS TO THE CONSTITUTIONAL LIMITATION

The fundamental law apportions to three coördinate departments all the powers of sovereignty, and gives to each department the exclusive exercise of functions comprehended in a single word. The constitution of the United States does not attempt to define what is a legislative, a judicial, or an administrative function. These major divisions take no account of the fact that great governmental acts, to secure an efficient administration, must be wholly performed by a single department, and necessarily include the exercise of the three powers named.

Thus in the admission and deportation of aliens, the officers and boards performing executive duties investigate and determine with conclusive effect matters controlling the liberty and rights of persons. "The board is an instrument of the executive power, it is not a court." Yet these functions clearly are comprehended within the definition of judicial acts. In the collection of taxes and the administration of the revenue laws, officers and boards exercise powers that are manifestly judicial, and their determination affects the property rights of individuals. Yet it is not now questioned that these acts constitute "due process of law," and can be attacked only upon the ground of fraud, or that the officers have exercised powers not conferred by law. The land office in issuing patents for public lands determines matters

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and issues that fall clearly within Mr. Justice Holmes' definition of judicial acts, yet the decisions of this administrative branch of the government are within the scope of its authority, and are conclusive upon the courts.

The postmaster-general acting under authority conferred by statute may exclude matter from the mails and absolutely destroy a private business or enterprise. Commissions, in the performance of legislative and administrative functions, determine rights affecting vast property interests and restrain the liberty of owners in the control and use of their property. We are therefore forced to find a generalization which, while preserving the fundamental law in reference to the division of powers, will delimit the exceptions to its operation.

Mr. Justice Curtis, speaking for the supreme court (Murray's Lessee et al., 18 How. 272, 284), said:

"To avoid misconstruction upon so grave a subject, we think it proper to state that we do not consider congress can either withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty; nor, on the other hand, can it bring under the judicial power a matter which, from its nature, is not a subject for judicial determination. At the same time there are matters, involving public rights, which may be presented in such form that the judicial power is capable of acting on them, and which are susceptible of judicial determination, but which congress may or may not bring within the cognizance of the courts of the United States, as it may deem proper. . . . . .

"It is true, also, that even in a suit between private persons, to try a question of private right, the action of the executive power, upon a matter committed to its determination by the constitution and laws, is conclusive."

To administer legislative acts and to make the laws effective it is essential that the administrative officers, boards and commissions should exercise, in some degree, powers which are in their nature judicial. If, as was said in one of the cases, the administrative officers or boards were compelled to go to a court every time they were called upon to determine a matter judicial

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in its nature, the delays attendant upon such a procedure would render a law regulating a business, or prescribing governmental action, of little effect since prompt and continuous action is always necessary in the administration of such laws. The public interest would suffer by delays. This is peculiarly true of the act to regulate commerce.

We must therefore consider the three divisions of sovereign power as referring to major acts and not to those actions which are incident to the performance of the major act. In creating new laws and regulations for the maintenance of the government and the conduct of business charged with a public interest, congress may prescribe what shall, and what shall not, be done by persons and corporations affected, how the law shall be administered, and to what extent administrative officers and tribunals shall be empowered to determine judicial questions which may arise in the administration and enforcement of the law. In doing this there is no disregard of the fundamental law; legislation in the interest of the public is thereby made effective. The true test, therefore, in any given case of administrative determination, is whether the judicial act is incident to the exercise of the major legislative power. If it be necessary to the efficient administration of a public law there is no infraction of the constitutional limitation.

III. RELATION OF JUDICIAL DETERMINATIONS TO THE REGULATORY POWERS OF COMMISSIONS

The administration and enforcement of law by commissions are, comparatively, of recent development. It is a new manifestation of the democratic spirit of the constitution providing for divided responsibility. The law devolves upon a non-political board of experts, chosen with reference to their special knowledge, experience and abilities in a particular field of economic endeavor, the exercise of great authority over business charged with a public interest and subject to governmental regulation. This method of administering law secures the concurrent action of a majority of the members of a commission in the determination of issues arising under the law. In the regulation of rail-

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road property and the operation of the business it gives the consideration and decisions of several persons acting as a body before such property interests can be affected. It combines the spirit of the jury system with the intelligent action of competent judges. It gives the broad view and that flexibility and adaptability of administrative action and determinations so essential in the execution of regulatory laws. The commission must conform to well conceived statutory procedure; it must recognize and obey established rules of law; but within these limits it is to work out a prompt and efficient enforcement of the law with fair justice to persons while promoting the public welfare. In this field administrative efficiency requires that some judicial determinations shall be made promptly by the administrative tribunal charged with the execution of the law. Such determinations are incident to the prevalence of the law; and prompt determination is essential to the protection of the public and of individual rights.

The interstate commerce commission is the oldest commission and will be taken as typical. It exercises great powers over a vast territory, its jurisdiction being nearly coextensive with that of the supreme court of the United States. Its powers extend over a subject matter that is of the greatest importance to the welfare of the nation. It administers the regulatory power of congress, delegated in the act to regulate commerce, over nearly a quarter of a million miles of railroad, representing over sixteen billions of dollars of property. The securities of these great properties are held by private investors in this and in foreign countries. These properties earn annually a gross revenue of three and one-half billions of dollars. The business and its immediately dependent industries employ nearly two millions of employes. The railroads pay annually in taxes over one hundred and fifty millions of dollars, and in salaries and wages to employers an even larger sum; they carry two billion tons of freight and a billion passengers per annum.

In addition to the rail lines subject to the act, there are now included: carriers engaged in the transportation by means of pipe lines, of oil and natural and artificial gas; telegraph, tele-

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phone and cable companies, wire and wireless; water carriers operating in connection with rail lines; traffic passing through the Panama Canal, and coastwise trade. These carriers represent property interests of great magnitude.

The powers of the commission, over this enormous volume of commerce, stated generally, are: fixing maximum individual and joint rates for passengers and freight; determining the reasonableness of classifications of freight and of the regulations and practices of carriers subject to the act; compelling the establishment of through routes and joint rates; prescribing divisions of joint rates between carriers where they cannot agree; requiring switch connections between railroads, and rail and water lines; deciding controversies between shippers and carriers under the act regarding the reasonableness of rates and charges, discriminations between shippers and between localities, and the unlawfulness of preferences or advantages to favored shippers; determining the right to charge a greater amount for a shorter than for a longer haul under the terms of the fourth section; ascertaining damages sustained by shippers on account of the failure of carriers to obey the act; systematizing accounts kept by these carriers; instituting criminal proceedings to collect penalties for violations of the act, and civil proceedings to compel the observance of the act; and, in general, enforcing the law and securing observance of it by all carriers subject to it.

When we consider that transportation lies at the foundation—is, in fact, the foundation—of all national growth and development, political, commercial, industrial and social, and that in regulating transportation the whole superstructure of society is involved, the magnitude of this jurisdiction is almost appalling. For seven men to hold in their power and subject to their decisions the matters which determine the amount of gross and net revenues which these carriers may realize from their business, the practices which may, or may not, be adopted by carriers for the advancement of their business, and the publicity which shall be given to their affairs, has no parallel in the range of governmental administration. Private property rights of vast proportions are involved in the decisions of the commission.

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And yet, if such power must be exercised—and it must be—how much better and safer it is to place the administration of the law in the hands of seven men than it would be to leave it to a single officer, or to break it up into parts and assign a part to each of several officials not required to act as a body. How important it is that these great functions should be exercised by a tribunal unhampered by political influences, and composed of men of the highest integrity, of expert knowledge and experience in the subject.

Let us now observe wherein judicial determinations are essential to the administration of this great law, using an illustrative case. In the Abilene Cotton Oil Case (204 U. S., 426), a shipper elected to maintain an action at law against a common carrier to recover damages sustained by the exaction of an unreasonable rate upon shipments made by the shipper.

This case was tried, and reached the supreme court of the United States. It was conceded by the supreme court that at common law such an action could be maintained, but the underlying question in the case was the effect of the act to regulate commerce upon the common law jurisdiction of the courts in such cases. The court reviewed the act as a whole and stated its purpose as follows (page 439):

"That the act to regulate commerce was intended to afford an effective means for redressing the wrongs resulting from unjust discrimination and undue preference is undoubted. Indeed, it is not open to controversy that to provide for these subjects was among the principal purposes of the act. . . . . And it is apparent that the means by which these great purposes were to be accomplished was the placing upon all carriers the positive duty to establish schedules of reasonable rates which should have a uniform application to all and which should not be departed from so long as the established schedule remained unaltered in the manner provided by law."

The power of the commission is stated as follows (page 438):

"Power was conferred upon the commission to hear complaints concerning violations of the act, to investigate the same, and, if the complaints were well founded, to direct not only the making

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of reparation to the injured persons, but to order the carrier to desist from such violation in the future."

The court held that the commission was empowered to determine the question whether rates complained of were unreasonable and if unreasonable to fix reasonable maximum rates and order the published rate changed to comply with its order; and that this jurisdiction must be exclusive in the commission to secure that uniformity of rates which the statute was intended to secure. This was pointed out by the court in the following language (page 440):

"For if, without previous action by the commission, power might be exerted by courts and juries generally to determine the reasonableness of an established rate, it would follow that unless all courts reached an identical conclusion a uniform standard of rates in the future would be impossible, as the standard would fluctuate and vary, dependent upon the divergent conclusions reached as to reasonableness by the various courts called upon to consider the subject as an original question. Indeed the recognition of such a right is wholly inconsistent with the administrative power conferred upon the commission and with the duty, which the statute casts upon that body, of seeing to it that the statutory requirement as to uniformity and equality of rates is observed."

Summarizing the court said (page 448):

"Concluding, as we do, that a shipper seeking reparation predicated upon the unreasonableness of the established rate must, under the act to regulate commerce, primarily invoke redress through the interstate commerce commission, which body alone is vested with power originally to entertain proceedings for the alteration of an established schedule, because the rates fixed therein are unreasonable, it is unnecessary for us to consider whether the court below would have had jurisdiction to afford relief if the right asserted had not been repugnant to the provisions of the act to regulate commerce."

This case has been improperly characterized as judicial legislation for the reason that it destroyed the right to bring a common law action in a court in the first instance, to recover damages for

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an unreasonable charge by a common carrier. The court construed the act so as to attain the legislative object—uniform rates—and this made it necessary that the existing common law jurisdiction should be taken from the courts and vested in the administrative tribunal. This, Mr. Justice Curtis intimated, in the quotation first cited, congress could not do. While the question of what is a reasonable rate is a question of fact, the determination of the question is arrived at by an examination of "present or past facts" and therefore is, in nature, a judicial inquiry.

In a series of cases since the Abilene Cotton Oil case was decided the supreme court has stated, with what one of the justices has denominated "tiresome repetition" that the commission has exclusive jurisdiction to determine whether an existing rate is unreasonable, and, if found to be unreasonable, to determine what would have been in the past, and what will be in the future, a reasonable rate; and to determine also what are undue and unreasonable discriminations and preferences. When these inquiries relate to present and past transactions the act is judicial, when the determination applies to future rates it is legislative in character. While the carriers have the right to initiate rates, the question of their *reasonableness* is always within the exclusive jurisdiction of the commission to determine. If rates are reduced by the commission, the revenues of the carrier from the traffic affected are reduced. The revenues, certainly the control of property, are affected, when the commission determines questions involving discrimination and preferences, the bookkeeping and the allocation of company accounts. The determination of such questions therefore involves the investigation of facts, and judicial determinations that directly affect property rights in a substantial manner. Yet such determinations are essential to the proper administration of the law.

I have presented the reasoning in the Abilene Cotton Oil Case, familiar probably to most of you, not for the purpose of showing the jurisdiction of the commission, but to show that the power of judicial determination vested in the commission is incident to, and a part of a great scheme of regulation, which

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scheme is essentially legislative and not judicial in character. Because they are incident to the principal act, these judicial decisions do not fall under the prohibition of the constitution that administrative and legislative bodies shall not exercise judicial power. They come under the exceptions to that rule which permit judicial functions and powers to be exercised by legislative and administrative bodies. The making of the law is a major legislative act. The exercise of the judicial powers by the commission is an integral part of the administration of the law, necessary, as shown in the case we have been considering, to the realization of all the benefits secured by the act to regulate commerce.

IV. THE PRESENT SCOPE OF JUDICIAL DETERMINATION AND REVIEW IS SATISFACTORY

It must not be assumed that in the exercise of these great powers the commission can disregard the law creating it, or the principles of law which apply in judicial determinations. The commission is strictly under the law. The legality of its order depends upon its conformity to the law. Its orders may be reviewed by the district courts of the United States upon all justiciable issues, in a direct proceeding in equity under well defined procedure. Three judges, one of whom must be a circuit judge, sit in these cases and a majority opinion is required to annul an order. An appeal lies, from both interlocutory and final decrees of the district court, direct to the supreme court of the United States. In both courts these cases are expedited.

V. JUSTICIABLE ISSUES

The first concise statement of what are justiciable issues regarding the orders of the commission was made by the supreme court in the Union Pacific Case (222 U. S., 541, 547). Speaking through Mr. Justice Lamar, the court said:

"In determining these mixed questions of law and fact, the court confines itself to the ultimate question as to whether the commission acted within its power. It will not consider the ex-

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pediency or wisdom of the order, or whether, on like testimony, it would have made a similar ruling."

In Int. Com. Comm. v. Louis & Nash. R. R. (227 U. S., 88, 92), Mr. Justice Lamar, again speaking for the court, said:

"The statute, instead of making its orders conclusive against a direct attack, expressly declares that 'they may be suspended or set aside by a court of competent jurisdiction.' . . . Of course, that can only be done in cases presenting a justiciable question. But whether the order deprives the carrier of a constitutional or statutory right; whether the hearing was adequate and fair, or whether, for any reason, the order is contrary to law—are all matters within the scope of judicial power."

The Chief Justice, speaking for the court in the Proctor & Gamble Case (225 U. S., 282, 297–298), said:

". . . . the courts were confined by statutory operation to determining whether there had been violations of the constitution, a want of conformity to statutory authority, or of ascertaining whether power had been so arbitrarily exercised as virtually to transcend the authority conferred * * *."

In determining whether there was substantial evidence before the commission the court will not undertake to determine the weight of the evidence or draw conclusions from it. This, as stated by the court in other cases, is peculiarly within the jurisdiction of the rate-making body. Nor will the court set aside an order because the commission has admitted evidence that would not have been admissible if objected to in a like contention before a court. The court will search the record to ascertain whether there was before the commission any legal evidence of a substantial character which, when considered by itself, would support the order.

VI. THE COMMISSION MUST ACT STRICTLY WITHIN ITS STATUTORY JURISDICTION

Reference to a few cases will show how strictly the commission is held within its statutory jurisdiction. In the Louisville and Nashville Case (227 U. S., 88, 91), the government insisted

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that as the commission was an expert body possessed of technical and scientific knowledge upon the subject of transportation, an order based upon its "opinion" is conclusive. In response to this contention Mr. Justice Lamar, speaking for the court, said:

"But the statute gave the right to a full hearing, and that conferred the privilege of introducing testimony, and at the same time imposed the duty of deciding in accordance with the facts proved. A finding without evidence is arbitrary and baseless."

In the Electric Railway Case (226 U. S., 14, 20), the court reviewed an order entered by the commission which required the operation of standard equipment over an electric railroad. The railroad company insisted that such operation was unsafe. The commission, without notice to the parties, sent one of its expert men to examine the roadbed of the electric road. In its report this investigation was referred to and the decision of the commission was rested largely upon the private report of the expert. Reviewing this action Mr. Justice Holmes, speaking for the court, said:

"We remarked that it is stated in the commission's report that they base their conclusions more largely upon their own investigation than upon the testimony of the witnesses. It would be a very strong proposition to say that the parties were bound in the higher courts by a finding based on specific investigations made in the case without notice to them."

These two cases show how carefully the court protects the constitutional rights of parties, whose property is being affected, to a full hearing, of which they must have due notice.

In the Willamette Valley Case (219 U. S., 433, 449), an advance had been made by the railroad company in a lumber rate. The question before the commission was whether or not the new rate was unreasonable. The lumber companies proved that they had been induced, by a lower rate, to go into this valley and erect mills and therefore claimed what may be called an "equitable right" to have the old rate maintained. In the report of the commission these facts were discussed. The court, speaking through the chief justice, said:

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". . . . when the opinion is considered as a whole in the light of the condition of the record to which we have referred it clearly results that it was based upon the belief by the commission that it had the right under the law to protect the lumber interests of the Willamette Valley from the consequences which it was deemed would arise from a change of the rate, even if that change was from an unreasonably low rate which had prevailed for some time to a just and reasonable charge for the service rendered for the future."

This order was annulled because the commission did not keep strictly within its jurisdiction and determine only the intrinsic reasonableness of the rate.

In the Lemon Rate Case the commission heard evidence upon, and discussed the competition of lemons produced in California with Sicilian lemons, in the eastern market. The commerce court (190 Fed., 591, 594–595), speaking through Mack, Judge, said:

"An examination of the report of the commission, ... in its entirety, demonstrates that except for two brief paragraphs suggesting grounds for lowering the lemon while maintaining the orange rate, it deals entirely with matters tending to show the need in this industry of a high-protective tariff against Sicily, and, not on traffic considerations, but to compensate for the tariff insufficiencies, a low transportation rate especially to eastern territory."

For this reason the order of the commission was annulled.

In the Harriman Case (211 U. S., 407, 417–418, 419), the commission petitioned the court to compel a witness to testify and to furnish documentary evidence. The question involved was whether the commission had power to compel a witness to give testimony and furnish documentary evidence, in an unlimited investigation to qualify the commission to make a report to congress. The supreme court, speaking through Mr. Justice Holmes, said:

"And the result of the arguments is that whatever might influence the mind of the commission in its recommendations is a subject upon which it may summon witnesses before it and require them to disclose any facts, no matter how private, no matter

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what their tendency to disgrace the person whose attendance has been compelled. If we qualify the statement and say only, legitimately influence the mind of the commission in the opinion of the court called in aid, still it will be seen that the power, if it exists, is unparralleled in its vague extent. Its territorial sweep also should be noticed. By section 12 of the act of 1887, the commission has authority to require the attendance of witnesses 'from any place in the United States, at any designated place of hearing.' No such unlimited command over the liberty of all citizens ever was given, so far as we know, in constitutional times, to any commission or court. . . . . ."

"Whatever may be the power of Congress, it did not attempt . . . . . to do more than to regulate the interstate business of common carriers, and the primary purpose for which the commission was established was to enforce the regulations which congress had imposed. . . . . ."

"We are of opinion . . . . . that the purposes of the act for which the commission may exact evidence embrace only complaints for violation of the act, and investigations by the commission upon matters that might have been made the object of complaint. . . . . ."

While a wider range is given an administrative tribunal in receiving evidence upon which to determine its administrative action than is accorded to a court exercising purely judicial powers, yet from these decisions it clearly appears that the commission may not go outside of its statutory sphere of action in making orders, nor may it compel a disclosure of private affairs not directly related to matters about which the commission has power to enter an order. With this court review embracing all questions of law, and all alleged arbitrary action, full protection is given to personal and property rights.

VII. ADVANTAGES OF THE PRESENT PROCEDURE

Transportation questions which come before the commission are complex and often far reaching. A proposed change in a single rate may affect a group or structure of rates over a consid-

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erable territory. The commission must regard the single rate as a court would do if determining its reasonableness, but before making an order the commission must go farther and consider the wider effect that may be produced by a change in the single rate. Rate structures are important and should not be unreasonably impaired. Ordering out a discrimination may operate unfavorably upon railroad revenues without producing any corresponding advantage. Discriminations prohibited are "undue" discriminations. Preferences condemned are "unfair or unreasonable" preferences. In determining these questions the commission must, as stated by an English judge, "exercise common sense" and take a wider view than is involved in a mere judicial controversy between a shipper and a carrier regarding a single rate. The power and the duty of the commission is finely stated by Mr. Justice McKenna (218 U. S., 88, 103):

"The outlook of the commission and its powers must be greater than the interest of the railroads or of that which may affect those interests. It must be as comprehensive as the interest of the whole country. If the problems which are presented to it therefore are complex and difficult, the means of solving them are as great and adequate as can be provided."

CONCLUSION

When we consider the purpose and scope of this law, the magnitude of the interests involved, the complexity of the questions of fact which arise in its administration and the necessity of having all questions of fact and law determined expeditiously as a part of the administration; and when we consider the further fact that in determining these questions the rate-making body must take a broad view of the subject under consideration, and not confine itself, as a court of law or equity is restricted in its investigation to the simple controversy between the parties before it, it must be apparent to every thoughtful student that these questions of law and fact should be primarily decided by the expert rate-making body. Broadly considered, the questions are essentially legislative in character, although technically some of them fall within the general defintion of judicial acts.

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Considering the scope of the court review, that the commission is held strictly within statutory jurisdiction, and that any arbitrary power in a given case would render the order void upon appeal to the court, we may confidently assert that the present system for the determination of questions of law and fact in this great field of governmental action is wisely conceived and in its execution has proved satisfactory. If we may judge the wisdom of the law, and measure the satisfaction of all parties affected by the current results of its administration, we shall find abundant proof that the law is, in its general plan and working, satisfactory. During the year ending October 31, 1915, the number of formal cases decided by the commission in which published decisions were rendered was 902. Not all of these were affirmative orders which could be reviewed by a court; but a large majority were orders that were reviewable. During the same period the number of suits commenced in the district courts of the United States attacking the orders of the commission was 22. The number of cases decided by the courts during this period was 14, 13 were in favor of, and one was against the commission. The number of cases to enjoin orders now pending is 18 in the district courts and 7 in the supreme court. Without in any way reflecting upon the courts, we may confidently say that this record of opinions unappealed from and the successful maintenance of the orders in cases where appeals have been taken, is not equaled by any court of original jurisdiction in this country. This record of the commission's work bears potent testimony to the wisdom of the law and to the ability and integrity of the commission.

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ADMINISTRATIVE DECISIONS IN CONNECTION WITH IMMIGRATION[1]

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Administrative decisions in connection with immigration are in a different class from those of the interior department and those of the interstate commerce commission as explained in the preceding papers. The interior department deals with distributions of public property and the interstate commerce commission acts judicially with reference to private rights; whereas administrative decisions in connection with immigration determine some of the most sacred of private rights as a mere incident in the execution of a public policy.

The immigration service is within the general but minutely regulated administrative jurisdiction of the department of labor.[2]

This is the tenth and youngest of those executive branches of the federal government that are administered by members of the president's cabinet. For its administration the present secretary of labor,[3] who is also the original incumbent, is William B. Wilson, of Pennsylvania. Long-continued industrial and civic experience of varied and highly responsible kinds, and a mind naturally judicial and instinctively humane, have made Secretary Wilson exceptionally competent for the work of this department.

[1] A paper read at the annual meeting of the American Political Science Association, December 29, 1915.

[2] Organic Act of the Department of Labor, entitled "An Act to Create a Department of Labor," approved March 4, 1913; Immigration and Chinese Exclusion Laws collected in Regulations of Department of Labor (1915), pp. 131 to 227.

[3] Organic Act, Sec. 1; "That there is hereby created an Executive Department of the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President by and with the advice and consent of the Senate."

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The department is of very recent creation. Although advocated by labor organizations for nearly half a century,[4] it was not created by congress until March 4, 1913. You will therefore notice that the secretary has had less than three years for organization. And this period is shortened by several months, during which his thoughts and energies were monopolized by problems of financing his work with scant appropriations.[5] In so short a time and under that embarrassment, few administrative policies could be firmly enough established, or even clearly enough outlined, to warrant a subordinate official in discussing them with the slightest air of authority without instructions, and as to the subject assigned me here I am officially uninstructed. Let me advise you then that in no sense nor in the slightest degree is anything I may say on this occasion to be regarded as significant of more than my own understanding and my personal opinion.

Four bureaus were embodied in the department of labor at its creation. For a longer or shorter time three had existed and out of one of these the fourth was carved. The oldest, then known as the bureau of labor but now called the bureau of labor statistics,[6] had operated since 1884. The youngest, the children's bureau, had been created in 1912.[7] The other, then named the bureau of immigration and naturalization, dated back historically to 1882.[8] Having transformed the division of naturalization of the last-named bureau into the present bureau of naturalization, the organic act of the department of labor has left all immigration functions—subject, however, to the jurisdiction and supervision of the department—with the present bureau of immigration.[9] It is to administrative decisions in connection with the work of this bureau that my subject is limited.

[4] First Annual Report of the Secretary of Labor (1913), p. 7; and Second Annual Report of the Secretary of Labor (1914), p. 6.

[5] Id. (1913), p. 47, and id. (1914), pp. 9 to 12.

[6] Id. (1913), p. 22; id. (1914), p. 56; id. (1915), p. 54 et seq; Organic Act, Sec. 3 and 4.

[7] First Annual Report of the Secretary of Labor (1913), p. 44; id. (1914), p. 80; id. (1915), p. 72; Organic Act, Sec. 3.

[8] First Annual Reports of the Secretary of Labor (1913), pp. 27–43; id. (1914), pp. 62–79; id. (1915), pp. 59–71; 80–84; Organic Act, Sec. 3.

[9] First Annual Report of the Secretary of Labor (1913), p. 27; id. (1914), p. 62; id. (1915), p. 59; Organic Act, Sec. 3.

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The federal laws for regulating immigration, out of which this class of administrative decisions has developed, were administered at the beginning by state officials. That method continued nine years after congress had made permanent appropriations for defraying the expense, exclusive federal jurisdiction not having been established until 1891. Under the secretary of the treasury from that year until 1903 and under the department of commerce and labor from 1903 until 1913, the immigration laws have been administered under the department of labor since March 4, 1913.[10]

Of those laws there are two classes. One class, immigration laws distinctively, relates to all aliens;[11] the other, the Chinese exclusion laws, relates to Chinese alone.[12] To facilitate administration, ports of entry are established at convenient places. Aliens entering elsewhere are subject to deportation, and at the ports of entry immigrant inspectors are stationed to investigate questions of admissibility.[13]

By amendment and interpretation the immigration laws have become alien laws, alienage rather than migration being the major fact in administrative decisions under them. An alien who lives in the United States, no matter how long his residence here may have continued, must have a care if he goes near the Canadian or the Mexican boundary line lest he stub his toe against it and fall over to the other side. His stepping back at the place where he fell, this not being an authorized port, would constitute an unlawful entry and subject him if captured to deportation to the country whence he had originally come. So would his proving to be inadmissible if he applied at an authorized port. A plea that he was not an immigrant because already domiciled here, would be unavailing. His alienage would be the decisive fact. He might have lived in this country almost a lifetime; the country

[10] First Annual Report of the Secretary of Labor (1913), p. 27.

[11] "An Act to regulate the immigration of aliens into the United States," approved February 20, 1907 (34 Stat. 899), with its amendments as collected in Regulations of the Department of Labor (1915), pp. 131–147.

[12] Treaty of 1880 and Statutes relating thereto as collected in Regulations of the Department of Labor (1915), pp. 185–205.

[13] Regulation of the Department of Labor (1915),p. p 147–170.

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of his original migration might be half way around the world; he might have no friends or relatives there; all his personal associates, property interests and family ties might be here. Yet by administrative decision he could be, in many cases he must be, kept away or sent away; and if sent away, sent not to Mexico or Canada, whose boundary line had tripped him up (for they might refuse to receive him), but possibly to a distant country to which he had become from long absence a total stranger. To put the example in another way, an alien who lives in the United States, regardless of how long, must have a care if in order to get a particular view of Niagara Falls he is tempted to cross temporarily over to the Canadian side. Should he yield to this temptation his return to the country of his domicile, though it were made within the day or even the very hour, and whether regularly at a port of entry or clandestinely, would be subject to the exclusion provisions of our immigration laws. The supreme court of the United States has so decided.[14]

When an alien appears at an immigration port of entry, he is primarily inspected by public health surgeons and immigrant inspectors as to his admissibility. If they approve him they thereby make an administrative decision in his favor and he is allowed at once to enter the United States. So far as "exclusion" proceedings in contradistinction to possible "expulsion" proceedings in the future are concerned, their decision is final. If the inspectors do not approve the applicant at their primary inspection of him, he is taken before a board of three inspectors where an administrative trial of his case is had. The trial is privately conducted, but the proceedings are recorded. Should this board admit him by unanimous vote, they thereby make an administrative decision which is also final. The alien is in that event forthwith released. Should the decision not be unanimous, the minority member of the board may appeal to the secretary of labor. So may the alien if the decision is against him, whether it be by majority or unanimously.

Appeals go up to the secretary of labor upon the record made by the inspectors. His decisions either way are final, for the

[14] Lewis v. Frick, 233 U. S. 291; Ueberall v. Williams, 187 Fed. 470.

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courts interfere only in cases in which he appears to them to have no jurisdiction. They may reverse or affirm his decisions on questions of law, but into questions of fact they do not inquire[15] if there is any evidence at all in support of the secretary's conclusion.

Not to all kinds of cases, however, do rights of appeal from immigrant inspectors to the secretary of labor attach. When official surgeons certify to mental defects or to dangerous or loathsome contagious diseases, and a board of inspectors excludes upon the basis of that certificate, there can be no appeal to anybody. Such cases are beyond the reach even of the secretary of labor.[16]

And in cases in which an appeal does lie to the secretary of labor, or which otherwise come within his authority, the range for discretion is narrow indeed. There is in the whole system no chancery principle enabling him or anyone else to modify any intolerable harshness which the immigration law, by reason of its necessary universality, compels its administrators to inflict. It is true that the secretary of labor is invested with some discretion as to some classes of aliens ordered excluded as likely to become a public charge, and with reference also to admission to hospital treatment for some kinds of physical affliction; but there his discretion is about exhausted. In cases in which the law commands him to dismiss an appeal upon the evidence in the inspectors record, and in those in which there is no appeal, the law makes him powerless to relieve any consequent suffering however extreme.

Were a wider range of discretion lodged in the secretary, administrative decisions with reference to immigration could not be objected to consistently with the recognized right of governments to fix their own terms for admitting aliens to territory under their respective jurisdictions. Only through governmental decisions can this right be enforced by any government. But in order that those decisions may be wisely administrative,

[15] Lewis v. Frick, 233 U. S. 291; Lee Lung v. Patterson, 186 U. S. 168; Pearson v. Williams, 202 U. S. 281.

[16] Act of February 20, 1907, 34 Stat. 899, Sec. 10.

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executives should not be straightjacketed with minute statutory regulations. Their discretion should be broad enough to enable them to bring good judgment and humane considerations to the interpretation and support of broad formulations of legislative policy. Administrative decisions moulded by inelastic legal machinery are incompatible with the best administration of alien immigration laws. Rectified in that respect, however, our immigration statutes might go as much farther in cataloguing the defects for which aliens may be excluded as public policy requires. Invest executive officials with the degree of freedom they must have in the interests of a wise administration of public policies involving individual suffering—a freedom which, law or no law, will almost inevitably be resorted to in cases of hardship in order to avoid outraging the common humanities and scandalizing the law itself and its administration,—do this, and (the general policy of alien exclusion being conceded) exclusion of aliens by administrative decision might be unobjectionable.

But what of the possibilities of excluding citizens by administrative decision?

Ought questions of American citizenship to be determined as incidents of executive administration? Whether they ought to be or not, they are in fact so determined. By administrative decisions, wholly nonjudicial in character, made as an incident to executive routine and with no right reserved for judicial trial or review, citizenship is awarded or denied much as a new public building may be contracted for or an old one ordered to be torn down. It is an executive act performed in the course of executive routine and under the influence of administrative precedents and habits of thought.

Such decisions usually occur in Chinese cases. Immigrants from China are subject to all the disabilities of the ordinary immigration laws and in addition to those also of the Chinese exclusion laws. Originally only Chinese laborers were excluded for being Chinese. This was in accordance with a treaty which authorizes the exclusion of laborers from China under certain circumstances. By accumulated legislation, however, and departmental interpretations over a long period, the treaty has

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been thrust so far into the background that outside of a few specific classes all Chinese aliens are now inadmissible.[17] But Chinese born in the United States and under its jurisdiction constitute a class apart.

Pursuant to the Fourteenth Amendment they are constitutional citizens.[18] Consequently every person of Chinese lineage who comes from abroad and claims American birth raises the highest question of privilege known to the laws of our land. Yet his constitutional rights in this respect are determined by administrative decisions—in the first instance by a board of immigrant inspectors and then by the secretary of labor or one of his subordinates upon appeal. The courts will not give judicial consideration to this claim to citizenship farther than it will to the questions of an alien's admissibility. Beyond ascertaining whether there is in the record any evidence at all upon which to base an administrative judgment against citizenship, they refuse to review the secretary's decision.[19]

It may be said that only Chinese are concerned with this, and that they, though born in this country, retain Chinese customs and language exclusively and yield allegiance to China. A serious consideration that, with reference to Chinese-Americanism; but it is quite apart from the question of subordinating constitutional citizenship to administrative decisions. The function of administrative decisions is to execute details of public policy. Private rights, certainly fundamental private rights, belong in another category.

Nor is it true that administrative decisions determining citizenship concern Chinese alone. In principle they apply to every person of American birth whatever his race. As our immigration laws now stand, a direct American descendant of a Pilgrim Father, were he returning from a visit abroad and suffering from tuberculosis or trachoma, from insanity or imbecility, with ringworm of the nail or valvular disease of the heart that might

[17] Regulations of the Department of Labor (1915), pp. 185–227; Chae Chan Ping v. U. S., 130 U. S. 581; 23 Opp. Att. Gen. 485.

[18] U. S. v. Wong Kim Ark. 169 U. S. 649.

[19] U. S. v. Ju Toy, 189 U. S. 253.

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affect his ability to earn a living, would have his citizenship determined by administrative decision. Had he been abroad long enough to have acquired an alien accent or a foreign air, the decision might be against his citizenship; and in that case it would be final, no matter how weighty the preponderance of proof in his favor. Upon any old-fashioned judge coming to the relief of this citizen who had found himself unable to satisfy the secretary of labor of his American birth, the precedents furnished by Chinese cases would fall like an avalanche.

Other than rights of citizenship, few personal rights are determined by administrative decisions incidental to the administration of the immigration laws. Inasmuch as immigrants never yet landed have no personal rights under our laws, their exclusion does not raise questions of personal rights. The questions in such cases are of national policy alone. If therefore aliens indiscriminately were not subject to our immigration laws, irrespective of their domicile and of the brevity of their temporary absence abroad, exclusion by administrative decision could be reasonably defended. As it is, however, the principle of administrative decisions in immigration cases operates repugnantly to American conceptions of the rights of domicile. The relegation of domiciliary rights in individual cases to executive power, should be almost as offensive to American thought as relegating constitutional rights of citizenship to that power should be.

If, however, personal rights determinable by administrative decisions in "exclusion" cases under the immigration laws be few, they are numerous enough in cases of "expulsion." For not only can aliens be kept out of this country by administrative decisions in certain circumstances when they apply for admission, but they can be put out by administrative decision in certain circumstances although they are actually domiciled. And not only do administrative decisions in "expulsion" cases determine questions of citizenship. They determine also questions of the property, of the personal character,[20] and of the marital relationships,[21] of persons who may have lived for many years under

[20] Zakonaite v. Wolf, 226 U. S. 272.
[21] Lewis v. Frick, 233 U. S. 291.

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the shelter of our laws. Under the shelter of our judicial processes, however, such persons do not live—not when administrative process for alien expulsion is invoked. And it may be invoked by anyone, from the highest official conscientiously executing the law down to the meanest individual maliciously trying to "get even" with a personal enemy.

The processes in expulsion cases are extremely administrative. They begin with a recommendation by the bureau of immigration to the secretary of labor for a warrant of arrest. When a warrant issues it runs as freely to immigration officers throughout the United States as the warrant of a justice of the peace does to the constables of a county.

This extensive power has seldom if ever been seriously abused. But think of the power itself! Does it not seem like the old "administrative process" come again? Replete with all the evil possibilities of that historic process, nothing more is needed for realization of those possibilities than the touch of an executive hand capable of grossly abusing lawful authority.

After his arrest the alien alleged to be unlawfully here is put upon trial. His trial is conducted without publicity. It is conducted even without counsel for the prisoner, until the immigrant inspector who sits in primary judgment upon the case permits the appearance of counsel. The prisoner may call witnesses in his own behalf, but his counsel cannot examine those who have testified and gone before counsel has been allowed to enter, nor any who are there but refuse to answer. Yet the prisoner's citizenship may be at issue, his property may be at stake, his good name may be involved, and in the case of women their chastity may be circumstantially upon trial.[22]

For certain offences an alien may be excluded however long his residence here, though he has never left the country for a moment, and without other adjudication than administrative decisions. In other cases the power of arresting lapses if it be not exercised within three years after the alien has come into the country. But the three-year limit is not determined by duration

[22] Zakonaite v. Wolf, 226 U. S. 272.

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of domicile; it is determined by the date of the alien's very latest arrival, and this though his absence from the country may have been but momentary. Aliens going abroad to visit after living here no matter how long, and who happen not to be excluded upon returning, may be expelled within three years after their return. They may be so expelled for any one of many causes, including mental defects of almost any kind, certain physical diseases, crimes involving moral turpitude committed even at remote periods, or as polygamists or anarchists or prostitutes. For any of those causes, though it were to have originated in this country, they must be expelled—not merely may be but must be, provided the cause originated prior to their latest return from abroad.

As to the propriety of these "exclusions" and "expulsions" I make no contention here. What I contend for raises a very different question. Lest I be misapprehended or misunderstood, let me emphasize the contention I do make here. It is that personal rights, when involved in "exclusion" or "expulsion" proceedings under the immigration laws, should not be determined finally by administrative decision. Although the immigrant inspector's record in an "expulsion" case goes as a matter of course to the secretary of labor, without whose warrant for it there can be no expulsion, yet the secretary's decision, like the inspector's, is not judicial but administrative. Therein lies the fault and the danger of it all. In most instances administrative decisions must in the very nature of administration be made by subordinates; in all instances they must be made along hard and fast lines according to unelastic legislation designed to promote a governmental policy. Determinations regarding private rights by such decisions are mere incidents of administration. Only in minor degree, therefore, can rights of property, rights as to character, rights of domicile, or even the birthright of citizenship be duly determined by administrative decisions.

Culprits of whatever race or nationality have judicial trials and appeals, and in special cases of hardship there is for them at the last a fountain of mercy in the Chief Executive. But for the hapless person, whether citizen or alien, who is arrested as an alien,

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tried as an alien and found to be an alien—all by administrative decision—there is neither judicial trial nor fountain of mercy, though his case call for it never so loudly, if the secretary of labor becomes satisfied that he is in this country contrary to law. Between that alien, or that citizen administratively found to be an alien—between him and what may be the cruelest exile, there is no barrier but a secretary of labor too humane and wise to be so "satisfied" unless he thinks he ought to be.

Nothing in my official experience in the Department of Labor has impressed me more deeply than the conviction that fundamental personal rights should be more scrupulously guarded in immigration cases than is possible through administrative decisions made in the course of executive routine. As to the form this protection should take, the kind of tribunal that might be desirable and possible, even whether anything at all adequate for the purpose would be consistent with the immigration policy of Congress, I offer no suggestions at this time. All I offer now in that respect is an admonition. Whenever fundamental individual rights are at issue, their protection by some method inherently more judicial than it is possible for administrative decisions to be, is demanded no less in the interest of public policy than in the interest of personal security.

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"GOVERNMENT CONTESTS" BEFORE THE ADMINISTRATIVE TRIBUNALS OF THE LAND DEPARTMENT[1]

PHILIP P. WELLS

Washington, D. C.

By administrative adjudication is usually meant the exercise of quasi-judicial functions upon and in the control of vested property rights, or personal rights secured by constitutional guaranties. It often accompanies and effectuates regulative power of a quasi-legislative nature. A large measure of this quasi-legislative power has been given to the departments and bureaus dealing with the lands of the United States, but the enforcement of such regulations, insofar as they affect rights of person or vested rights of property, is chiefly by process of the regular courts. Thus the regulation of the occupancy and use of lands reserved for national forests is entrusted to the secretary of agriculture. His regulations usually prohibit acts that were theretofore innocent and customary though not vested rights. Sometimes they restrict the use of land in which there exists a vested private right of use for a particular purpose only, but the restriction does not affect the right itself. For example: A mining claim in a national forest duly located and recorded after the discovery of mineral therein is true property, but only for the purpose of mining; other use of it may be and is prohibited by regulation. Occasionally this regulative power does limit true vested rights: As when a mining claimant, having a vested right to use the standing timber on his claim for mining operations thereon, must submit to have that timber sold by the Forest Service under regulations made to prevent destructive insect infestation of adjacent public timber. Analogous powers are given

[1] A paper read at the annual meeting of the American Political Science Association in Washington, D. C., December 29, 1915.

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to the secretary of the interior with respect to some of the national parks, and there are other instances of like kind. But the enforcement of such regulations is generally done through the regular courts by criminal prosecution or civil suit. It is not a process of administrative adjudication at all.

The great mass of administrative adjudication in public land matters does not restrict vested rights but enlarges them through the distribution of public property to private citizens. Adjudication is necessary to adjust quarrels and to decide whether a particular tract should be distributed or kept in public ownership. The federal public land system has existed for a century and a quarter. During the last seventy-five years administrative adjudication has been an essential part of it. There had been precedents for such adjudication in the first half century, but they were exceptional. The turning point was the General Preemption Act of 1841. That statute changed the basis of federal land disposal from sale to gift. Before that time the underlying theory was that vacant public lands are to be sold for their actual value. Since that time the theory has been that they should be given away without price or sold for a nominal price below their actual value. Under the old system conflicting desires among would-be takers of public lands expressed themselves and found their solution in rival bids at the public auction. After the change to the gift theory they found expression in contests that must be adjudicated. Of course the change was not immediate or complete. The old method and the new method lived side by side for a time, the old dying slowly as the new spread and grew strong. Today we still sell town lots and standing timber to the highest bidder, and coal lands at their actual (appraised) value, nor are these the only survivals of the old theory. But the general rule is to give something for nothing, or something great for something small. The well known example of the free gift is the homestead law, when the settler does not elect to commute his entry for cash at $1.25 per acre. A more perfect example is the forest homestead law, which forbids commutation. These are but examples. The practice extends under certain circumstances to water rights, timber, grazing

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rights, and easements of many kinds. Sales for a nominal price below actual value are illustrated by the preemption law (repealed in 1891), the general mineral land law, the coal land and timber and stone laws as administered before 1908, and the reclamation law, under which the price of an irrigated farm unit with water right is fixed at its proportionate share (according to acreage) of the cost of the government irrigation works by which it is watered, a price payable on long time credit without interest. Here also belongs the commutation provision of the homestead law.

Toss a handful of small coin into a crowd of boys on the street and there will be a scramble for them. Repeat the action indefinitely and you will need the police not only to keep order and impose rules of fair play among the crowd but also to protect you in keeping what you do not wish to give away. So it is the policy of giving something for nothing, or something great for something small, that has made adjudication of land claims a necessary incident of public land administration. Nevertheless it is only an incident. The main business is the disposal of unreserved lands and the control of those reserved, a clearly administrative function; but in certain cases, few as compared with the general mass, disputes had to be settled before the administrative officer could proceed with his main business. It was natural that he should begin by settling them himself in conformity with prevailing notions of equity and of orderly inquiry into disputed facts. The technical, tedious and expensive procedure of the courts would have been impracticable because of the great number of the beneficiaries and the poverty of many of them, if for no other reason.

Contests between rival private applicants for the public land bounty have been already discussed. I wish to speak of the cases wherein the government itself contests the application, for here has been the storm center of criticism as to public land adjudication.

One of two motives underlies each government contest: Either a purpose to keep the land for public use; or a belief that the applicant is unworthy of public bounty, especially a suspicion that

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the application is being used as a means of grasping more than a fair share of that bounty. It is an essential part of the something-for-nothing policy that the share of each beneficiary be limited in order that the bounty may be enjoyed by as many citizens as possible. Hence we have limitations of the area that can be taken by one applicant. The maximum limits thus fixed for timber land (160 acres) and coal lands (640 acres) are too small to afford a basis for economical lumbering and mining operations. The capitalist who wishes to exploit public timber or coal land therefore has often tried to beat the law by using "dummy entrymen" and other devices to get title from the government for the purpose of transferring it to himself. The special agent suspects this transaction and protests the entries as really made for the capitalist and therefore in violation of the area limit. This initiates a government contest. The motive is not to keep the land, for if the government wins the contest the land will still be open to be taken by the first worthy applicant. The motive is the same as that behind the policy of the law allowing private contests. In each procedure the sole object in view is to secure for each citizen a fair chance to get the public bounty. The private contest benefits a citizen who is present to demand his share; the government contest is for the benefit of citizens who have not yet appeared but may be expected to come forward and demand their shares later. Neither procedure directly benefits the public as a whole.

There has been a prodigious amount of energy expended on contests of this character and I venture the opinion that much of it has been wasted. If large capital and large area units are necessary for working the lands they are certain to be assembled in large area units in the end. Efforts to prevent this will at last be futile. What is needed is a system whereby the capitalist can get directly from the government an area sufficient for economical operations and exploit it under adequate public control, paying to the public all that the privilege is worth. In other words the government ought to keep the lands, control their development, and get a fair price for the resource. This system now exists as to the timber and some other resources of the

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national forests. It is applied in an ineffective and inadequate manner to water power sites. It is proposed for the mineral fuels and fertilizers.

Hence arise the other kind of government contests, those whose purpose is to keep the land permanently in public ownership with a view in most cases to its exploitation by private capital under lease or other method of public control. If the government has determined to keep a tract of land that is asked for as a gift by a private applicant the matter might seem to be wholly one of administration with no room in it for adjudication at all. But though the government desires to keep the land and has the unquestionable right to do so, it has declared its purpose nevertheless to let private applicants have the land under either one of two conditions: (1) If the applicant duly initiated his application before such determination and has ever since maintained it according to law; or (2) if the applicant has discovered valuable deposits of metalliferous minerals in the tract and seeks it for the mining of the same. The issues to be adjudicated in such government contests are whether or not these conditions have been fulfilled by the applicant.

They are now adjudicated by the department of the interior and it is suggested that this is a hardship for the applicant because that department is charged with the duty of keeping the reserved lands and may therefore be supposed to be prejudiced against all applicants seeking to appropriate any part of them. This has been the basis of much criticism directed against departmental adjudication. Since all critics assume the burden of proof it is pertinent to inquire what their own motives and prejudices may be.

Courts do not escape criticism at the hands of the losing party but they also get praise from the winning party. Praise and blame cancel each other in large measure and leave a general impression of fairness on the public mind. But in the case of a government contest before the land department there is no such balance. The defeated private interest raises an outcry of protest, not to say abuse, and there is no conflicting private interest to give praise. Nobody is benefited by the decision, that is to

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say nobody in particular, just everybody. What is everybody's business is nobody's business. So the business of praising the administrative tribunal is neglected and the critics have the discussion all their own way. This is the more so because the public does not know and has no regular means of knowing the result or even the fact of a contest. Only under extraordinary circumstances does the controversy become so sensational as to attract public notice. This ought not to be. Information should be published regularly as a matter of routine in every case where an adverse private application is made for land reserved for the public control of natural resources. A bulletin should be issued at frequent intervals listing all such adverse applications and claims by their docket or file numbers so that the public can have access to the papers in the case so far as is consistent with orderly administration. The amount and value of the resources at stake should be stated, the nature of the application shown and its progress set forth. Until this is done we shall not have the basis for intelligent public judgment upon the defenders of public rights. So long as the public is kept in complete ignorance of the progress of government contests it is justified in regarding with deep suspicion criticism that may well have no better basis than disappointed greed. Certainly some of the outcry against public land adjudication is tainted with this origin.

Of course there are fair and intelligent critics. Their doubts and questions may be classified in four groups. In the first place they point to the difficulties that may be expected to arise from duality of function in the same hands, the function of land-withholder and that of land-giver. There is not so much duality as is supposed. The separation is most complete as to national forests. The secretary of agriculture, through his subordinates in the forest service and solicitor's office, administers them and conducts government contests for their protection before the tribunals of the department of the interior. As to other reserved resources the controlling and administrative function is the especial business of certain bureaus of the department of the interior—the geological survey, reclamation service, Indian office, and the office of national parks; also to a slight extent the

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bureau of mines. The adjudicating function is in the hands of the land offices (local and general) of the same department. In the general land office itself the two functions are segregated in separate divisions. In the secretary's office there is some segregation but the two functions are united in his person.

Absolute segregation is not desirable. Whether public policy should influence the adjudication of private rights is matter for debate, but surely it is to be considered in the distribution of public gifts. The preservation of national forests and the patenting of free homesteads are equally matters of public policy. A decision between them as to any tract of land is essentially an administrative decision. Let the conserving and adjudicating functions be wholly separated and two consequences will inevitably follow: First, the conserving will be badly done because done by a tribunal necessarily ignorant of the facts and public needs; second, The department of the interior will be forced into a hostile position toward the giving policy. I do not see any room for doubt that private claimants would fare far worse at the hands of almost any conceivable court than they now do at the hands of the department. Gift distribution is not a judicial function and nothing but confusion and loss can result from attempts to make it so.

The next question is as to the safeguards necessary, for private interests. I have already indicated the need of systematic publicity to safeguard public rights. It would also protect legitimate private interests by affording a solid basis for criticism of harsh or stupid rulings. Let me add that the best additional safeguard for both public and private interests lies in the giving of wide discretionary power to the executive officer. The more you limit his powers to protect public rights the more you drive him to the inflexible and therefore harsh exercise of the powers that you leave in his hands. The pressure of public opinion, to say nothing of his own sense of duty, make this inevitable. It is safe to say that a statute so restricting executive power in land disposal as to satisfy in its practical workings the applicants who do not now get what they demand could hardly be drafted, to say nothing of its being enacted. The old forest lieu selection law came

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as near to it as we shall ever get, and if that law were replaced upon the statute books tomorrow I doubt if a secretary of the interior could be found who would construe it to sanction the things that were done under it fifteen years ago. The scandal of that law has perhaps tainted every claim asserted under it and the department has been forced to invoke against them harsh rules of law under which innocent and guilty must suffer alike. Nor would they fare better in the courts. There is great outcry at this moment from oil land claimants in California just because the government is suing them in the courts. The root of the trouble is that the executive had no discretion as to unreserved oil lands, but must sell them to the first discoverer at a nominal price far below their real value. Here are restrictions upon executive power that look effective on paper. But what has happened? The executive has used all the powers it had left to keep the lands. It has withdrawn them from sale and has been sustained by the courts in so doing. It has forced the claimants to strict proof of every fact essential to validate their claims. It has brought suit for the value of oil taken from the lands without such validation. It has done all this within its lawful authority. It has used the very courts to do it, and it has done it simply because it had no discretionary power to fix a fair selling price or leasing rental for the lands. The situation with respect to coal lands was precisely similar except that the department could fix the selling price according to actual value. But this difference is vital. It explains why there is no such outcry and unrest with respect to the coal lands.

If time were available other apt illustrations could be found in the use made of the wide executive discretion conferred by statute in the matter of creating and administering national forests. No statutory limitations of executive power in those matters could have so well protected worthy private interests. The truth is that it is only through the exercise of executive discretion that we can adjust the relations of the public and the beneficiaries of public bounty upon a basis of equity and common sense.

If this be true it indicates the limits of court control appro-

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priate to the matter. Is the function of courts to decide upon disputed rights? The ordinary public lands case that I have been discussing is not a matter of right but of bounty. I do not mean that no private rights can arise with respect to public lands. They may and do arise. But insofar as they do so they are now cognizable in the courts. In private contests after executive action is complete the losing party has his remedy against the winning party in the courts. In all contests the courts will remedy jurisdictional errors and the infringement of constitutional guaranties. Further than that they cannot go without quitting jurisprudence for administration.

The organization and procedure of the tribunals of the department of the interior has been sufficiently indicated by the papers of Mr. Finney and Mr. Pierce. It is clear that in both organization and procedure there is a close analogy to the regular courts. There is a right of appeal and review. Process issues to secure witnesses. Cross examination is permitted, also representation by counsel. There is a departmental bar to which attorneys are formally admitted. All this brings these tribunals within the limits of constitutionality expressed by the decisions referred to in Dr. Needham's paper. They enjoy the great advantage of freedom and initiative in the ascertainment of facts. They are delivered from the absurdities of the technical law of evidence. They may listen to anything that tends to prove the truth—an enormous gain. They may even go out and hunt for the truth on their own account instead of being limited to guessing at it through the fog of contradiction and uncertainty raised by greedy contending interests. In one particular the procedure needs amendment. It sometimes happens that the applicant in a government contest is opposed by secret reports of special agents or experts. Fairness to the applicant and sound administration for the public alike require that the applicant have reasonable notice of such reports and an opportunity to confute them by evidence and argument.

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THE LAND DEPARTMENT AS AN ADMINISTRATIVE TRIBUNAL[1]

CHARLES R. PIERCE

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INTRODUCTION

If, for the moment, we can conceive of Uncle Sam as being Andrew Carnegie, of Carnegie's millions as unimproved real estate, and of Carnegie's intention to die poor, as Uncle Sam's liberal land policy, we can perhaps best picture to ourselves the public land administration in the United States in a nutshell. The government, like Carnegie, is unloading its vast wealth in a manner calculated to do the most good, and it is guarding itself continuously, although often futilely, from being imposed upon and cheated. The ownership of the public domain by the United States is of the highest possible title. There is no one to dispute the government's absolute ownership of it. There are no taxes to pay. The government is subject to no obligation to dispose of its land. It can keep or dispose of the land as it chooses.

In 1789 the United States government started as owner of practically all of the Northwest Territory. Later it acquired, what some geographers call the Southwest Territory, by further cession from the States. By purchase, discovery, annexation and conquest the United States acquired further holdings, so that with the exception of Texas and private holdings the government's fee simple title in the public domain extended from the thirteen colonies to the Gulf of Mexico, and from the Atlantic Ocean on the east coast of Florida to the Pacific and the Arctic Oceans. This domain is perhaps the greatest single holding of

[1] A paper read at the annual meeting of the American Political Science Association in Washington, D. C., December 29, 1915.

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fee simple, undisputed title to real estate vested in any government that ever existed, except the Russian holdings.

The present policy of the government did not originally prevail. Originally the United States treated the public lands as the source of revenue, and treated the persons that settled upon the public lands as intruders and trespassers. After years of debate in congress, culminating in the leadership of Foote upon the one hand and Benton upon the other hand, the views of Benton prevailed and the United States began to dispose of its public lands for a purely nominal consideration, giving the preference to actual settlers. This was the beginning of the "preemption laws," which in 1891 became merged into the free homes act and became the modern homestead act.

During the middle decades of the nineteenth century the States were bonding themselves and voting large subsidies of money to private corporations for the construction of railroads, toll roads, canals, and for internal development. Some southern States are still laboring and struggling to pay the interest on these bonds. The middle west States asked for and received large donations of public lands for the purpose of turning the lands over to private corporations for internal improvements. Congress itself, also, gave land and financial aid direct to private corporations for internal improvements. The land grant to the Northern Pacific Railroad Company alone was of a "a territory nearly equal in extent to that of Ohio and New York combined;" Barden vs. Northern Pacific Railroad Company (154 U. S., 313 at 317).

We must also consider the homestead, the timber and stone, the desert land, the mineral land, the timber culture, the Oregon donation, and numerous other laws giving land to private individuals, usually in smaller quantities.

In addition to this the States received two sections, and later four sections, *out of every township* for the support of the common schools, and large grants of land in addition for agricultural colleges and other purposes. The States were also given the swamp and overflowed lands. Under rulings and statutes the States were also held to have title to the land beneath navigable bodies of

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water upon the public land, and to have full control over the water in the streams, whether navigable or non-navigable, except for the purposes of navigation.

THE EFFECT OF LAND FRAUDS

Were it possible to conceive that all of the persons, the corporations, the States, the officials of the States, and the transferees of the States, are acting in entire good faith toward the United States government because of its liberal land policy, and that all of these beneficiaries of this liberality reported accurately and truthfully in the required and necessary affidavits and proofs, there would probably be no public land tribunal as it now exists. In other words, the disposal of the public lands would be accomplished through officials and inspectors without the intermediary of hearings and arguments.

The term "land fraud" has become as historic as the term "carpet-bagger," "nullification," and "mugwump." From the earliest times frauds crept in, even when the lands were sold at auction to the highest bidder to raise revenue for the running expenses of the government. Severe statutory penalties were put in force against conspiracies to prevent fair competition in bidding for public land. The land frauds have been great and small, they have been organized and unorganized and isolated, they have varied from petty larceny by false proof of the individual claimant to the colossal grab of the well organized conspiracy of great corporations. The mere fact that the statutes gave vast empires, of necessity meant that certain persons were to receive great fortunes in public lands, while the homestead, the desert land, the timber culture, and the preëmption laws meant independence to large numbers. However, the very liberality of the laws, and liberality of intention, stimulated a widespread spirit of greed that has permanently blemished names that would otherwise have lived in this country, honored for constructive service, usefulness and philanthropy.

How does fraud influence jurisprudence? It is said that the notorious Ex-Judge Terry of California in reality established

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California jurisprudence, and that his notorious crookedness and tricky legal arguments were more than effective in keeping the California supreme court up to the highest pitch of efficiency.

The land department has had not one but hundreds and thousands of crooked Terrys to deal with during the past century.

If this government had had no public domain in the past, and had suddenly become vested with a large area of lands, with numerous and complicated laws to enforce, the bare administration of the laws would be an almost impossible task, while the guarding of the public domain from fraud would present an almost insurmountable obstacle, without blockading the allowance of any patents.

The land frauds, however, had caused the appointment of skilled inspectors, called "special agents;" have caused the enactment of laws making it perjury to swear falsely to necessary documents; the enactment of legislation requiring the presence of witnesses at hearings; the formulating of procedure for trials and hearings, so that the informer and his witnesses and the claimant and his witnesses may confront each other and give their testimony; and created a body of judicial decisions that are respected by all of the courts of the United States as precedents; and were it not for the fact that persons sought to abuse the high privileges granted by the government, the laws making it perjury to swear falsely to material papers, the laws requiring the presence of witnesses, the vast appropriations for inspectors or special agents, and the vast expense of hearings and contests would not be necessary.

THE OBJECT OF PUBLIC LAND LITIGATION

It may be said that every tribunal aims toward certain objects. The tribunal of the department has three objects. First, to ascertain whether the State, corporation or individual has complied with the law under which the claim is made, and to issue patent if found that the claimant has complied with the law. Second, to investigate and ascertain whether the State, corporation or person has failed to comply with the law under which the

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particular land is claimed, and to cancel or reject the particular entry, application or proffer, in order to prevent the claimant from securing the patent. Third, to ascertain whether the information given to the department by an informer is sufficient to cancel or reject an application or section for certain land, and, if sufficient, to reward the informer by giving him a preference right to make application or entry upon the same land.

THE INTERIOR DEPARTMENT'S RELATION TO OTHER TRIBUNALS

By article 4, section 3, of the Constitution the power of disposing of and making rules regulating this domain was vested in congress. By Revised Statutes, section 441, 453, 454, 455, 456 and 458, congress placed general authority in the secretary of the interior and the commissioner of the general land office. Congress by innumerable acts, special and general, has enacted legislation vesting the control over the public domain in the interior department, an offshoot of the old treasury department which formerly had jurisdiction.

The supreme court, the federal courts, and the State courts have rendered innumerable decisions as to the exclusive power of the interior department over the public domain prior to the issuance of patent. The jurisdiction of the interior department *as a court* begins the moment some one seeks under an Act of congress to acquire title to the land by filing an application therefor, and the jurisdiction of the department terminates when patent is issued; United States vs. Schurz (102 U. S., 378).

It must be remembered that this discussion has nothing whatever to do with the secretary of the interior as an administrator of the public domain, but only with the interior department as a tribunal. Perhaps the most concise statement, as well as the most accurate, of the department as a tribunal, is found in the case of James vs. Germania Iron Company (107 Fed., 597 at 600):

"The land department of the United States is a quasi judicial tribunal, invested with authority to hear and determine claims to the public lands subject to its disposition, and its de-

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cisions of the issues presented at such hearings are impervious to collateral attack, and presumptively right."

The supreme court has constantly held that the decisions of the interior department are those of a court and are of a judicial character, even in the approval of an *ex parte* case; Daniels vs. Wagner (237 U. S., 547); Burke vs. Southern Pacific (234 U. S., 669); Weyerhauser vs. Hoyt (219 U. S., 380); and Wisconsin Central Railroad Company vs. Price County (133 U. S., 496). These decisions could be multiplied many times.

The supreme court has also often held, not only that the interior department is a court, and that its decisions when rendered are judgments of great force and effect, not being subject to collateral attack, but the supreme court has also held that while the matter is pending before the department the courts cannot interfere by injunction, mandamus, or other process to prevent the secretary of the interior from arriving at his judgment, and from rendering his decision in a proper case; Ness vs. Fisher (223 U. S., 683). This shows that the secretary of the interior *is vested with an independence from other tribunals* so that in the adjudication of cases he is entirely free from interference or control.

Not only this, but the supreme court has held that in the execution of a law that does not fully prescribe the method by which the lands are thrown open to application and entry, the secretary of the interior is vested with full authority to prescribe regulations by which the provisions of the law can be taken advantage of; Roughton vs. Knight (219 U. S., 537).

Having seen that the secretary of the interior is vested with full judicial authority, it only remains to give a word regarding the decisions of the department. In the cases of Bishop of Nesqually vs. Gibbons (158 U. S., 155), and Northern Pacific vs. Soderberg (168 U. S., 526), the decisions of the interior department were held to be of a high order as precedents, not conclusive upon the courts but more than ordinarily persuasive.

In the case of Louisiana vs. Garfield (211 U. S., 70), the supreme court held that where the interior department had uniformly construed the law in a certain manner, which had been acquiesced in for years, the courts would not construe the law

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otherwise, even though upon a matter of original construction it would disagree with the construction placed upon the law by the interior department, for fear that in so doing it would upset property rights to an alarming degree.

Having seen that the administration of the public lands has been vested in a *quasi* judicial tribunal, the question now is whether the judicial system, which the interior department has adopted, is one which stands the test of a legal tribunal. The question whether it is necessary that a tribunal follow a certain prescribed form under the guarantees of the United States constitution, was discussed by the supreme court of the United States in the case of Kenard vs. Louisiana (92 U. S., 480). The supreme court there laid down the rule that a person is not deprived of his constitutional guarantees, where there is ample provision for a trial before a court having jurisdiction over the subject matter, with a process for bringing the case, and for bringing the parties before the court for trial, with an opportunity given to present both sides; a deliberation upon the law and facts as presented; a judgment by a court; and ample opportunity for either party to appeal from the judgment of the court to the highest court of the State. There must, therefore, be shown to be, before the interior department process for giving a party a chance to present his case against another party, and for giving the party attacked the right to present his defense, a deliberation and decision upon all of the facts, and a privilege of appeal and review.

In the case of Peyton vs. Desmond (129 Fed., 1), Justice Van Derventer. while a justice of the circuit court of appeals, stated that the interior department was required to give a party an opportunity to be heard in his own defense before rendering a judgment against him.

Having seen what is generally required of a tribunal under our system of government, and having seen that the interior department is a court, we might now inquire as to the limitations of its authority before proceeding to a further discussion of its system of administering justice. In the first place, in the cases of Daniels vs. Wagner (237 U. S., 547); Burke vs. Southern Pacific (234 U. S., 669); Ness vs. Fisher (232 U. S., 683), and in other cases,

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the supreme court says that the secretary of the interior in the exercise of his judicial functions cannot act arbitrarily, capriciously or in disregard of the limitations imposed upon him by law.

It is a general principle that after patent the jurisdiction of the interior department ends, and, if a person has been wrongfully or illegally deprived of his right to public land by the interior department, which awarded a patent to another, the party so deprived may bring an action in equity to have the patentee held as a trustee; Duluth Railroad Company vs. Roy (173 U. S., 587); Ard vs. Brandon (156 U. S., 537); Daniels vs. Wagner (237 U. S., 547).

Its relations, therefore, to other tribunals is one of absolute independence.

THE ADJUDICATING OFFICIALS

The control over the public lands, vested in the interior department, is the result of statutes enacted by congress and by a century old practice. We have referred to the statutes vesting general authority in the secretary of the interior and the commissioner of the general land office. Registers and receivers are provided for by Sections 2234 to 2247 of the Revised Statutes. The registers and receivers, while subordinates to the commissioner of the general land office, have powers and duties prescribed by law, and receive their appointment from the president of the United States, which appointments are confirmed by the senate.

For all practical purposes it may be stated that every action relating to public land, except directions to them, originates in the office of the register and receiver. They are in charge of a district land office, usually composed of several counties of a State in which there are open, public lands. They are in full charge of their records and tract books. Every attempt to acquire public lands takes the form of an application and is originally filed in the office of the register and receiver. Every adverse proceeding, of whatsoever nature, is initiated by the service of notice by the register and receiver. Every proceeding that takes the form of a hearing is either tried before the register and receiver, or before commissions issued by them to other officials.

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The register and receiver mainly are required to carry out with exactness the orders issued to them by the commissioner of the general land office, in accordance with either general or specific circulars of instructions. They have a certain amount of discretion in some matters, and their actions in such instances bind the government. In the main, however, the action of the register and receiver is originally controlled by the commissioner of the general land office. Every action is reviewed, whether coming before the commissioner upon appeal or not.

The commissioner of the general land office is an official appointed by the President of the United States. He is actually in charge of the administration of the public lands. His action in practically all matters binds the government. Although a right of appeal to the secretary exists from the decision of the commissioner of the general land office in many instances, and although lists of indemnity lands by railroads and States require the signature and approval of the secretary of the interior, before the commissioner can issue the patent, in the vast bulk of the cases the commissioner's action and decision are final.

The general land office is divided into divisions, with several clerks and a chief in charge. Between the division and the commissioner is the board of law review. Usually in a private corporation the work that comes before the clerk is of a highly routine character, and the more responsible work is carried on by a very few highly paid specialists. The land office work is entirely different. Upon the clerks in the divisions of the land office the vast burden of the original adjudication of cases falls. Each commissioner's opinion is prepared by a clerk, except in extraordinary cases. Each clerk, therefore, for all practical purposes, renders the decisions adjudicating property rights that may amount to thousands of dollars. The work placed upon the clerk is as responsible as that placed upon the shoulders of a county judge.

The clerk originally examines either *ex parte* or controverted cases under the direction of the division chief, who assigns the cases and may overrule the clerk. The clerk must give the work before him a high quality of skill and legal ability. While he is

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governed by the various circulars and decisions affecting his work, the burden is upon him to make up a statement of the facts, which are seldom changed, and he is not limited by the published decisions of the department.

It may happen that a clerk of one division and a clerk of another division may have precisely the same legal question before him, and each after research may arrive at an entirely different conclusion. It would be utterly impossible to expect the commissioner of the general land office to bear in mind the numerous rulings, but this is the function of the law board. The law board forms the legal clearing house of the general land office. It may be consulted preliminary to preparing decisions, and it also reviews decisions after they are prepared. The commissioner of the general land office takes no action that cannot be recalled or reversed by the secretary of the interior, except the issuance of patent.

The secretary of the interior is the executive head of the interior department. He is also the supreme court of land appeals. The secretary, however, does not, except in a few selected cases involving matters of great public policy, attempt actually to adjudicate appeals himself. This is usually committed by him to an official known as the first assistant secretary of the interior. Under the first assistant secretary is the solicitor of the department, the board of appeals of the interior department, the first assistant attorney and a large number of assistant attorneys. Before the secretary come the appeals in land cases from the commissioner of the general land office. It may be said that practically every controverted case, except decisions by the commissioner of the general land office against the government in a government contest, comes before the secretary of the interior upon appeal.

THE APPLICATION

It may be said that the adjudicating officials of the department of the interior acquire their jurisdiction by the filing of an application in the local land office by a claimant before the local land office. Until an application is so filed the purpose of a

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claimant to acquire public land is unexpressed. "The Department can know nothing of it;" W. E. Moses Land Scrip and Realty Company (34 L. D., 458).

The one purely *ex parte* action before the land department is the application. An application may be variously known as a selection, a sworn statement, a declaration, or a proffer.

The application, therefore, is the initiatory act on the part of the claimant that gives the *judicial authority* of the department its jurisdiction; Weyerhaeuser vs. Hoyt (219 U. S., 380 at 387).

The second step in an application proceedings is on the part of the land officials, allowing or rejecting the application. The act of accepting the application, which may be termed to be the acquiescence or consent of the land department on the part of the United States, is judicial. It is then that a contract is entered into between the United States and the applicant, *but not before.* Then the application becomes an entry.

Entries are either interlocutory or final. A homesteader or a claimant under the desert land law receives an interlocutory entry which entitles him, not to a patent, but to possession of the land, with the privilege of beginning or continuing his compliance until he makes full compliance. Then he makes proof, which upon acceptance becomes a *final* entry. Applications to purchase of all sorts, or proffers to exchange, or selections, or sworn statements, are not usually applications for interlocutory entry. They are usually applications for an immediate, final entry, and upon allowance become final entry.

The register and receiver are authorized to accept interlocutory entries, final entries in homesteads, desert land, and applications under similar laws.

The commissioner of the general land office allows ordinary scrip applications. The secretary alone is authorized to allow indemnity selections of States and railroads; Wisconsin Central Railroad Company vs. Price County (133 U. S., 496). Although where the statute is silent the secretary may place the jurisdiction in the commissioner to approve a selection; Cosmos Company vs. Grey Eagle Company (190 U. S., 310).

The allowance of a final entry means the entryman is entitled

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to a patent. He is then the equitable owner of the land and entitled to exclusive possession thereof; Bothwell vs. Bingham County (237 U. S., 642). The States and the courts treat the final entryman as the real owner of the land. He is subject to many forms of legal process. The land is subject to barter and sale. It is subject to state taxation. The title, however, actually remains in the United States and the land and the entry is within the jurisdiction of the interior department until patent issues: Hussman vs. Durham (165 U. S., 144); Sargent vs. Herrick (221 U. S., 404).

EX PARTE PROCEEDINGS

The prosecution of an application to the issuance of a patent, or until it is rejected, may be wholly *ex parte*. The rejection of an application, or cancellation of an entry, for lack of compliance with the law may take place. Mere failure to comply with the law involves no moral taint.

An order holding an entry for cancellation is always appealable. Usually the defect is clearly pointed out in the order and a limited time is allowed within which to correct the defect if curable.

If it is determined to cancel the entry upon a dispute as to the proofs filed, the proceedings are called adverse proceedings.

ADVERSE PROCEEDINGS

The object of adverse proceedings is to secure the rejection of an application or the cancellation of an entry; that is, to prevent the issuance of a patent.

We have considered, heretofore, the case of where an individual, a corporation, or a State, *makes application* for lands under an act of congress. In these proceedings, which are purely *ex parte*, it is a matter solely between the United States and the applicant, with the interior department as the court to determine whether the law has been complied with.

The great abuse of the land system is the bad faith of individuals and corporations toward the United States and toward

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other and adverse claimants. This consists mainly in the filing of false affidavits and false proofs, amounting in some instances to criminal perjury, and in other instances not amounting to perjury because the particular document sworn to falsely was not specifically mentioned in the statute. If the proofs and affidavits filed by persons and corporations with respect to their claims were approximately true, there would be no need of any particular elaborate system of jurisprudence because the department would be enabled by an examination of the proofs and affidavits filed, and by an inspection on the ground in case of conflict, to determine in each and every instance the priority of rights.

Unfortunately, however, this is not possible. From the earliest times there has been brought to the attention of the land officials complaints that the proofs, affidavits, and the like, were not true. How these were dealt with in the early days is of no interest here. Certain of the old decisions show actions thereon, that now would be regarded as highly arbitrary. It is not possible now to cancel an entry or reject an application without full opportunity being given to the entryman or applicant to be heard on his own behalf; Peyton vs. Desmond (129 Fed., 1).

The best known of these adverse proceedings is the contest.

THE CONTEST

The contest is a statutory right that was given by act of congress, May 14, 1880 (21 Stat., 140, Sec. 2), and extended by other acts, notably the act of March 3, 1891 (26 Stat., 1095, Sec. 2). A contest is identical with an ordinary law suit, except that in a contest, if the entry or application is canceled, the contestant or informer receives the right to make entry *as a reward for securing the cancellation of the entry.* In an ordinary action at law, where one party sues the other party for premises, if the plaintiff is successful, the judgment is that he and not the defendant is entitled to the possession or title of the premises. In a contest the entry or right to the land is canceled or rejected, and the contestant is given thirty days preference right within which to enter the land himself. Probably in no other system of jurisprudence

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is a mere informer given such a high privilege, or dignified to such a high degree.

A contestant is required to pay all of the expenses of securing the cancellation of an entry, except the expenses of the entryman or defendant in introducing his own testimony by his own witnesses.

The contest originates by a pleading, called the contest affidavit, which is sworn to by a private individual known as the contestant or informer, alleging in general language the facts that constitute the alleged lack of compliance, the alleged illegality or fraud on the part of the entryman or applicant, verified by the affidavits of two persons. This may be denied by the defendant under oath. If not denied the contestant wins his case by default. If denied, a hearing is ordered in which the testimony may be taken before the register and receiver, or in the county where each witness resides by deposition under the state laws governing the taking of depositions. The evidence taken is considered and a preliminary decision is recommended by the register and receiver to the commissioner. This decision of the register and receiver has about the same weight as the recommendation to the court of a master in chancery.

There is a right of appeal to the commissioner of the general land office, but even in the absence of an appeal the commissioner of the land office may make an appropriate decision either affirming or reversing the decision of the register and receiver. Usually, however, in case of a default the commissioner affirms the decision of the register and receiver. If, however, there is no appeal from the register and receiver to the commissioner, the commissioner's reviewing decision is final and there is no right of appeal to the secretary of the interior by the defeated party.

Otherwise the decision of the commissioner is subject also to an appeal to the secretary. Either party, disappointed in the decision of the secretary of the interior, has a right to file a motion for rehearing. Upon final decision upon motion for rehearing the defeated party has the right to file a petition for the exercise of supervisory authority. The practice varied from time to time as to whether these motions for rehearing had to be

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served upon the opposite party. At the present time the motions need not be served, thus departing from the present tendency of the federal courts. If a motion or petition is entertained by the secretary it must thereafter, within the time specified, be served upon the opposite party who is required to make answer thereto.

THE PROTEST

The protest is the older of the adverse proceedings, and goes back to the time when land practice was more or less informal.

Up to 1910 a protest may have been one of four kinds:

First, a contest could become a protest at any time by the contestant defaulting or refusing to advance the costs. Thereupon the case would proceed to a conclusion and, if the entry was cancelled, no preference right was awarded.

Second, an informer could allege against an entryman, or his entry, under oath and verified by the affidavits of two witnesses, facts sufficient to cause the cancellation of the entry, *without claiming a reward or preference right for his action.* He could assume the entire expense of the proceeding merely because of public spiritedness or otherwise. Such actions, however, are extremely rare, although there is nothing to prevent such an action taking place. At the present time, since 1910, all informers who do not desire to claim a right to enter the land as a reward, or do not allege an interest in the land, adverse to the entryman, can only be a witness, for any such complaint is now forwarded to an official, called the chief of field division, of whom we will speak directly.

Third, a protest may be initiated by those persons who claim an interest, adverse to the defendant, in the same land. A person may file a homestead application upon certain land, and another may locate the same land as a mining claim. He then protests the homestead entry and files a proper complaint which alleges that the land, as a matter of fact, is mineral in character. The protestant thus claiming an adverse interest in the land must also pay the expenses of the proceedings. Such a protest, with the exception of the award of a preference right, is in every re-

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spect similar to a contest. It is also similar to the first form of a protest, which we have mentioned, except that the party intends to benefit by the protest proceedings, while in the first sort the party does not intend to benefit.

Fourth, the next proceeding has been called a government protest, or often a government contest, although no one is awarded a preference right. The interior department maintains a trained corps of inspectors, known as special agents. These officials have been maintained by the department for a number of years. It was found necessary to have a trained corps of men investigate the various entries on behalf of the United States in order to determine whether fraud exists, or whether the land is of the character alleged by the applicant who seeks to secure a patent. These inspectors perform services very similar to detectives, although perhaps with considerably more openness, for the reason that their presence being known, acts as a deterrent.

The public land States of the United States are divided up into districts, and in each district there is usually at the principal city an official known as the chief of the field division, who has charge of all the special agents in his district. Public spirited persons, and others who feel that certain entrymen, or applicants, or corporations, are not complying with the law, or have or are committing fraud, write letters to various officials, from the president of the United States, the secretary of the interior, down to the commissioner of the general land office. All complaints, from whatever source, by voluntary complainants who do not desire to make entry of the lands, are investigated by special agents, who also investigate matters that come under their own observation, or are otherwise brought to their notice, or are required to be investigated by orders of superiors. The special agent makes a report upon the claim, which forms the basis of further proceedings by the government. This report is transmitted to the commissioner of the general land office, in whose office it is reviewed, and, if found sufficient to warrant proceedings, adverse proceedings are directed under the signature of the commissioner. Thereafter the proceedings are similar to those of the other protest or contest, as the government is the complainant and pays the costs of the suit.

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DOES THE INTERIOR DEPARTMENT TRIBUNAL DO JUSTICE?

Let us consider how the effect of departmental litigation may be tested.

(a) Appeals: It is sometimes said that the right of appeal is often useless in administrative tribunals because the whole object of the officer appealed to is to affirm the one appealed from. This can not be considered a valid criticism of either the commissioner upon his consideration of appeals from the local land office, or the secretary upon his consideration of appeals from the commissioner. In both cases the proportion of reversals encourage the litigant, who feels that the prior decision does him an injustice, to appeal from the lower tribunal to the higher tribunal.

(b) Expense: Is the cost of litigation in the interior department expensive? When we consider that an applicant secures his land at a low rate, when we consider that the fees of the local officers are light in the individual cases, there are no costs in the ordinary sense of the term, except purely nominal costs for proceedings from the office of the register and receiver through to the secretary of the interior, and there is no requirement for the printing of briefs or arguments on appeal, we doubt if there can be found any tribunal in the world where the actual cost of litigation is so cheap as litigation before the interior department.

(c) Do the cases stand the test of scrutiny? The supreme court has in numerous cases recognized the right of any person, deprived of his right before the interior department, to institute a suit in the courts to have the subsequent patentee compelled to hold his patent in trust for the prior claimant. It is true that in numerous instances the patents issued after litigation in the interior department have been held wrongfully awarded. However, from the hundreds of patents issued each month for the past hundred years, the fact that there has been no successful legislation limiting the authority of the interior department, or giving a right to appeal to the courts, and the fact that the cases where courts have denied applications to hold patentees as trustees are innumerable as compared to cases where such actions have been

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allowed, appears to be the best answer that can be given to this criticism of the department. It is entirely true that the department has from time to time rendered erroneous decisions that have not stood the test of court constructions, but these instances are by no means general.

(d) Can the department stand the test of changes? The department has stood tests that ordinary courts might fear being subjected to. In 1891, numerous ordinary laws were repealed and new laws were enacted. In fact, nearly the whole body of the land law was recodified. Numerous changes of the homestead laws, the desert land laws, the mineral land laws, and the like, have been made practically without warning, and prompt notice thereof has been issued publicly, and the changed enforcement has been rapidly administered. The tremendous land frauds, unearthed in Oregon, implicating prominent men in business, social and political life, instead of breaking down the department's tribunal, were met and handled effectively. The change that grew up, known as the "Conservation Movement," was met and made a part of the public land system practically without an additional statute, except the act of June 25, 1910 (36 Stat., 847), which was held by the supreme court of the United States, in the Midwest Oil Company's case (236 U. S., 459), to have been an unnecessary change.

(e) Are its rulings respected? The opinions rendered by the department from time to time have had the respect of the courts generally; Northern Pacific vs. Soderberg (188 U. S., 526). The interior department, on the other hand, for years declined to follow the federal courts and the supreme court in principles, such as were announced in the case of Sjoli vs. Dreschel (199 U. S., 565). The supreme court of the United States finally in the case of Weyerhaeuser vs. Hoyt (219 U. S., 380), very gracefully followed the rulings and practice of the interior department, and characterized its own previous opinions upon the same subject as *dicta*.

(f) Permanence: The interior department as a tribunal stands high. It is the belief of the writer that as long as there are public lands, there will be no change in the jurisdiction of the land

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department. I firmly believe that the interior department stands out, not only as the best justification for its own continuance as an administrative tribunal, but also that having weathered the greatest of difficulties during its tempestuous history, it would be a profound error now to create a new tribunal.

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THE BOARD OF APPEALS, DEPARTMENT OF THE INTERIOR[1]

EDWARD C. FINNEY

Member of the Board

In order to understand the reason for a board of appeals, and something of its functions, it is essential to have a general idea of the system of handling and disposing of the public lands, their resources, and all other matters within the jurisdiction of the department of the interior.

It has been the wise policy of the United States so to dispose of its lands and resources as to encourage the establishment of homes and the extraction and use of minerals, rather than to seek to derive a revenue therefrom. The agricultural lands of the public domain are freely given to citizens who will establish their homes, erect improvements, and cultivate the soil. The taking of the minerals is permitted under what amounts to a gift, conditioned upon certain development work; so with the use of water for irrigation, for power, and for municipal and domestic purposes.

Through the general land office the department of the interior disposes of the lands, minerals, and the right to occupy the public domain for the conservation and transmission of water and power. Through the reclamation service it builds irrigation projects and aids the settler in learning the art of farming and fruit growing by the application of water to the desert. Through the geological survey it explores the mountain fastnesses for coal, oil, and other minerals; classifies them, and gives to the public some idea not only where the minerals may be found but their quantity and accessibility. Through the bureau of Indian affairs it deals not only with the personal well-being of the Indians but with their reservations and tribal lands and the resources

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therein. For the acquirement, possession, or use of these various lands and resources there is a keen rivalry among citizens, and the more valuable, the keener the rivalry. This necessitates an adjudication of the priorities and relative rights of citizens and a consideration of the laws applicable thereto, as well as the equities of the parties in interest.

With respect to the public lands and resources particularly, a well-defined system of administration and adjudication has existed for fifty years or more, and rules of practice and regulations somewhat analogous to the rules of courts have been evolved for government. In matters involving the acquisition or use of the public lands and their resources, for instance, provision is made for primary tribunals or trial courts in the shape of local land offices, situate in the immediate vicinity and presided over by officers known as the register and receiver. Before these officers filings or claims are presented, contests initiated, trials had at which evidence is presented, reported stenographically, and, upon the records so made up, the register and receiver render their decision. The parties aggrieved have the right of appeal from this tribunal to the commissioner of the general land office, in whose bureau a legal force review the entire record as made up and prepare decisions for the approval of the commissioner. From the decisions of the latter officer, appeals are allowed to the secretary of the interior, whose position in such cases is somewhat analogous to a supreme court or court of last resort. It is important, therefore, that in the office of the secretary of the interior, appealed cases shall have a thorough review, both as to the law and facts, and that cases be disposed of as nearly as may be in strict accordance with the law and the facts, and a force of skilled lawyers is occupied in the consideration of records and the drafting of tentative decisions for the consideration and approval or disapproval of the secretary of the interior. In a somewhat similar way the public has been accorded the right of appeal to the secretary from the final action or decisions of the reclamation commission, of the director of the geological survey, the commissioner of Indian affairs, and the commissioner of pensions. The thousands of cases so transferred to and considered

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by the secretary render it absolutely impossible for him to give personal consideration to all, and he must rely upon the summary of facts and the presentation of the law by subordinates, although in the more important or complex cases he does find time to give them personal consideration.

The fact that many of these cases involve the homes, fortunes, or personal well-being of parties litigant makes it vitally important that each case be given most careful attention, so that the law may be fairly and impartially administered and that equity be done wherever possible. It is also important that the decisions in cases involving like principles shall be uniform and that when precedents have been established that they may be adhered to, so that the public may be guided in the future thereby. Where a number of lower tribunals or where a number of individual attorneys in the secretary's office are engaged upon the work of reviewing these numerous cases, it is vitally important that some reviewing body shall harmonize and coördinate the decisions, establish and maintain a just and uniform practice, and exercise a general supervision and outlook over the entire field. It is further important that some administrative authority control the assignment and output of the work, see that cases are considered in their regular order, not delayed or overlooked, and also see that they are disposed of within the shortest practicable time consistent with their full consideration.

Realizing the situation, Congress in 1913 provided for the establishment in the interior department of a board of appeals consisting of three members, to be appointed by and be under the control of the secretary of the interior. This board consists of experienced lawyers familiar with the practice and procedure of the interior department and its various bureaus and with actual conditions in the public-land districts, which include territory from southern Florida to the Arctic Circle. This board is charged with general review work of the office of the secretary of the interior in public land and miscellaneous matters, and such other work as the secretary may from time to time direct it as a whole, or any individual member thereof, to perform.

The board sits in all oral arguments made in pending cases by

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attorneys and claimants, and in addition requires attorneys of the force of the interior department to appear before it personally and present orally the facts in important cases where the claimants are not represented by local counsel. All decisions prepared are considered and reviewed by the board, careful attention being given to the facts in each case, to the applicable laws, and to the equities of claimants in cases entitled to equitable consideration and disposition.

Since the creation of the board there has been a marked increase in the number of cases decided and disposed of, and the arrearage of pending cases has been reduced from approximately 3,000 to 800. The benefits so far found to have resulted from the creation of the board may in part be summarized as follows:

1. Large increase in work disposed of.
2. More thorough and careful consideration of all cases.
3. Improvement in the character of decisions.
4. Stability and uniformity of decisions rendered.
5. Relief in part of burden of consideration of cases heretofore imposed upon the secretary of the interior and consequent opportunity for him to devote more time to administrative matters.
6. Full consideration of all facts and equities in the cases, to the end that substantial justice and equity may be extended to all litigants.

In addition to the matters enumerated, the board, or members thereof, frequently act in advisory capacity to the secretary of the interior with respect to matters arising in the department, and by reason of their intimate and general knowledge of conditions derived through their work are called upon to aid in the drafting of legislation affecting matters within the jurisdiction of the department of the interior.

Under the law, the board of appeals in and of itself has no final authority or power, but acts in an advisory capacity to the secretary of the interior. There has been some suggestion that its powers should be broadened so as to make its decisions final and not subject to review by political officers. Whether this change would be advisable is somewhat doubtful. Secretaries of the

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interior are usually broad-minded and capable men and not disposed to permit politics or expediency to influence them in the decision of cases; nor are they likely to overrule the recommendation made to them unanimously by the board of appeals after it has fully gone into the law and facts of a case. Furthermore, the secretaries usually come to office directly from the people, familiar with conditions from the viewpoint of the outside business man or lawyer, with new and improved ideas as to general policy, and are thus able to suggest improvements in existing laws and regulations, and blend in the exercise of the office the administrative and judicial functions. The present system has been found to work well from the departments' standpoint and the general opinion of those vitally interested seems to be that it is conducive of expedition, fairness, equity, and uniformity in the handling of appealed cases.

There have been suggestions made from time to time that the adjudication of land cases should be transferred to the courts, but this demand seems to come largely from claimants or attorneys who have been unfortunate enough to be upon the losing side of cases. It is manifestly impossible for the interior department, or for any other tribunal, to render a decision in a contested case involving two or more parties which will be satisfactory to *all* concerned, and the transfer of jurisdiction could not cure this condition. It would result, however, in a very material increase in the time required to dispose of cases, because practically all of our courts have already more legal business than they can dispose of in a reasonable time. This would not be the most serious feature, however, to the claimant. Before the courts he would be required to employ an attorney and to have made up elaborate records, required in most places to be printed, the procedure involving an expense which the average claimant would be unable to bear. The result would be that the man with money would have a tremendous advantage and the poor man might lose a meritorious case through inability to proceed. Before the interior department he is not required to do any of these things. His appeal and argument may be written by himself, presented by himself, and will receive the same careful

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and painstaking consideration as if he were represented by the ablest lawyer of the land. Thousands of homesteaders and others who can not afford to retain lawyers file their own appeals, in their own simple language, and the department sees that they have all that the law allows and that equity is done in cases where the application of equitable doctrine is proper. The decision of the interior department is final as to the facts and very persuasive as to the law, the courts generally following it. However, it is not impossible to secure a legal review of questions of law, for after the interior department has issued its patent for a tract of land, if it has made an error of law, the matter can be brought into the courts and there tried out. The fact is, however, that comparatively few of the cases are so taken to the court, and those generally are the ones involving large values where both parties are able to bear the heavy expense incident to such litigation. No court could or would give to these homesteaders, mineral and other claimants the patient advice and assistance which they receive from the department of the interior, and I do not hesitate to say that in the long run substantial justice and the well-being of all our people is best secured by the system which has been in force for so many years, and which recent improvements and new laws have brought to a high state of efficiency.

It is not the purpose of congress in developing and disposing of the public resources to involve our citizens in a mass of technicalities or to afford lawyers a forum for long-winded arguments upon moot questions or upon matters of the "letter" rather than the "spirit." On the contrary, it is the purpose to give to each qualified citizen of the United States, rich or poor, educated or uneducated, an equal opportunity to secure his home upon the public domain or to take his part in the development of our material resources under a system which will compel him to meet the law's reasonable requirements but under which he shall, without undue technicality or delay, secure substantial justice. To so administer the law and to thus aid in the well-being of our country is the constant effort of the board of appeals and of the entire department of the interior.

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STANDARDIZATION OF SALARIES AND GRADES IN CIVIL SERVICE[1]

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The purpose of salary standardization is briefly:

To furnish a simple and logical classification of all employments, with general descriptions of duties, appropriate titles and rates of compensation, qualifications and conditions governing advancement, for purposes of appropriation, financial and civil service control, information to present and prospective employes and to the public. Salary standardization would be a relatively simple thing if a single government agency, backed by a strong executive, were empowered to develop a new classification and put it into effect. This, however, is not generally the fact. For example, the following agencies are involved directly or indirectly with salary and grade standardization in New York City:

1. The state legislative body which has the power to make laws governing the organization of departments, the fixation of mandatory salaries, etc.

2. The board of estimate and apportionment, which initiates all appropriations and prepares the budget.

3. The board of aldermen which passes upon the budget as presented by the board of estimate, which may reduce this budget and which consequently has the final power to establish or to refuse to establish positions.

4. The civil service commission which as the official employment agent and personnel board for the city, controls the entrance of the employe into the service and his subsequent promotion,

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fixes titles and controls the performance of work under these titles.

5. The state civil service commission which is empowered to investigate the acts of municipal commissioners and to remove the commissioners on charges, and whose consent must be obtained before there can be any changes in the rules of the municipal commission.

6. The mayor to whom, as executive over the majority of city departments, the heads of these departments are responsible; the comptroller as head of the finance department; and the borough presidents who, as administrative heads of the borough governments, have the control of policies affecting the personnel under their jurisdiction, subject to such limitation as may be fixed by the authorities mentioned above. They submit the original budget requests upon which the board of estimate acts and make the original recommendations governing promotion and advancement. The consent of the mayor as well as that of the state civil service commission must be obtained before any changes can be made in the rules of the municipal civil service commission.

There are similar overlapping agencies which control personnel in almost every government unit. In state governments, the legislature is more active and powerful in controlling personnel, especially where no executive budget system has been built up. In small cities where civil service control is not so well established and where the mayor, council or city manager control the government more directly, there are fewer checks and balances and fewer overlapping agencies.

Standardization of salaries and grades has had practically the same objects and a similar history in all government agencies since the Chicago civil service commission began this work some years ago. It will suffice to give a brief history of this work in New York City, which is just completing its standardization program. This history is not dry and dull as some may suppose from reading printed salary schedules, but is of very real interest to all students of government. A student who wishes to see city government as a whole and all classes of city employees at work, who wishes to observe the cumulative results of mis-government

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and extravagance in the past, and to feel the undercurrents of politics and the influence of public opinion, will find no more interesting and suggestive field of study than that afforded by a standardization program.

Standardization of salaries and grades of New York City employes was initiated through a resolution offered to the board of estimate and apportionment by the borough president of Manhattan, Mr. McAneny, at a meeting of the board on October 31, 1910. In accordance with the above resolution, a committee was appointed by the mayor and an appropriation of $35,000 to carry on this work was included in the budget for 1911. Although repeated efforts were made by the bureau of municipal research during the year 1911 to have the work as outlined undertaken, nothing was done during that year. Toward the end of the year 1911, Mr. McAneny and Mr. Mitchel offered resolutions urging the immediate commencement of the work of standardizing salaries and grades, scientific budget work, a school inquiry, etc. The board of estimate made an appropriation for this purpose, which the board of aldermen refused to pass. The mayor failed to veto the board of alderman's action and consequently the 1912 budget contained no appropriation for salary standardization work. During the spring of 1912, an informal study was made of the finance department for purposes of salary standardization. Later a sub-committee of the main committee was appointed together with representatives of the civil service commission and the bureau of municipal research to continue the standardization study begun in the finance department, and the board of estimate passed a resolution authorizing the transfer of $25,000 to carry on the work.

A staff was organized in the fall of 1912. During the first six months, the committee, its advisers and its examiners devoted their time to gathering basic information, drawing up tentative specifications and doing other work incidental to the proper launching of the program. During the next year the work of the committee was not prosecuted with the same energy as during the first six months. This was due, in part, to defects in personnel, organization, direction and procedure, and in part to

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obstacles encountered in dealing with officers and employees in the various departments. Considerable progress was made in the preparation of the personal service cards, but because of inherent defects in the description of duties on the cards and because many were inaccurate and others were allowed to become obsolete, the general result was that they could not be used either for standard specifications, organization charts or final appraisals. Up to this time there was no agreement on a proper classification; no first-hand study had been made of the various groups of city employees; no program of conference with these employees and with superior officers had been arranged; no agreement had been reached as to proper grades and salaries or as to the principles which should govern increases within grades. Organization charts were prepared in great detail before any definite plan had been adopted either as to the principles which should govern their preparation or as to the uses to which they were to be put. Before half the departments had been charted, the first charts had become obsolete and no method had been adopted for bringing them up to date. As a net result the greater part of the work of this year had to be done over again.

In the spring of 1914, the bureau of standards of the board of estimate and apportionment was created and all the work of the salary standardization committee as well as the staff of the committee was transferred to it. Shortly after the establishment of the bureau of standards, the bureau of municipal research began an active coöperation in its work, which has continued up to the present time. In October, 1914, a resolution was included in the terms and conditions of the budget providing:

1. "That vacancies . . . . shall be filled only after certificate by the duly authorized representatives of the board of estimate and apportionment, that the title and compensation for such vacant positions conform to the standard title, work specifications and compensation grades fixed by the board of estimate and apportionment."

2. "That no modification of any schedule supporting an appropriation for salaries . . . . shall be made except when authorized by resolution of the board of estimate and apportion-

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ment in conformity with standard titles, work specifications and compensation grades which may be or have been approved by said board."

In November, 1914, the director of the bureau of standards rendered his first report to the committee on salaries and grades, containing in detail a plan for the classification and standardization of employments in the city of New York. This report urged the need of prompt action on the part of the board of estimate. No action was taken by the board on this report. In March, 1915, the director of the bureau of standards submitted another report, urging consideration by the board of estimate of the specifications prepared and in process of preparation by the bureau of standards, and requesting the board to appropriate sufficient money for printing the specifications at a cost not exceeding $2,000. Several months passed without action on the part of the board of estimate, causing much valuable time to be lost. It was not until July, 1915 that the printing of the professional service was formally approved. During the summer considerable progress was made in completing and publishing specifications, but after the first of September work on the budget began and continued until the first of November.

During the preceding year a definite work program had been adopted and carried out. This had involved:

The adoption of a proper classification of services and groups.

The gathering of field information regarding each group of employees.

The preparation of standard specifications based on this information.

The holding of conferences with representatives of the departments and employees concerned for the purpose of improving and revising specifications.

The gathering of information regarding salaries paid for and conditions relating to similar service in private employment.

The carrying on of a voluminous correspondence with department heads and other superior officers regarding the principles of standardization and their specific application in the various services, groups and grades.

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The collection and preparation of data supporting the standard specifications, including a report on a minimum wage for unskilled laborers, to accompany the specifications for the street cleaning service, a report on the hospital helper situation and its remedy to accompany the specifications for the institutional service, etc.

The preparation of reports to the committee on salaries and grades on the filling of vacancies in all positions in the city service, in accordance with the tentative standard specifications. The revision of personal service cards and charts in all departments, the making of final appraisals of positions, and the preparation of memoranda and material on the proper working units of employees in the various departments to be used in the preparation of the 1916 budget.

It was decided to divide all employments into the following services:

Executive, legislative, judicial, professional, sub-professional, educational, investigational, inspectional, clerical, custodial, street cleaning, fire, police, institutional, skilled trades and labor.

The reasons for such a division readily suggest themselves. These are not the only possible divisions, but they seemed to be those which were best suited to the needs of New York City. It will be seen that although the theory of standardization is that the divisions are along functional rather than departmental lines, it was not possible to maintain this distinction in all cases.

The executive service was set up to include only the executive heads of departments, in all cases elective or appointive officers. It was, however, specifically provided that the secretaries of departments who are at present exempt officers should in future be classified as competitive in order to provide for a high permanent official in each department, who should not be affected by a change in administration, whose duties should not be policy-determining, but administrative and interpretative, who should be able to coördinate the various activities of the bureaus of the department and to inform the new commissioner and his deputies on all details of departmental administration.

The legislative service was to include the board of aldermen,

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and the judicial service, the judges. Up to the present time no recommendation as to salary has been made for these services. They were included more for the purpose of providing a complete classification of all employees than with any immediate purpose or prospect of changing the present salaries. They may be completed at any time in future.

The professional service was set up to include only members of the recognized professions with the intention that such high qualifications of professional training and experience should be established as to clearly differentiate this service from the sub-professional service. The sub-professional service was to include assistants of the professions, such as draftsman, laboratory assistants, law clerks, etc., who should have an opportunity to graduate into the professional ranks but should not be classified or paid on a professional basis.

The educational service at the present time includes industrial instructors, recreation instructors and other miscellaneous instructors. The main body of teachers is at present under the control of the board of education and their salaries are fixed by law. At some time in the future it may be thought advisable to bring the salaries of these teachers under the control of the board of estimate.

The investigational service was planned to include the higher type of examiners and investigators in central staff agencies, and in public charitable and social work.

The inspectional service was created to include health, trade, building, public works, safety and other inspections involving a kind of observation and inquiry more routine and stereotyped than that included in the investigational service.

The reasons for creating the clerical service are obvious. The word "clerical" is a very comprehensive term and under it may be included all kinds of office work not requiring particular training and skill of the kinds set forth in the other services.

The custodial service was created to provide for work closely related to laboring work but of a character involving the custody of public property, such as the work of caretakers, janitors, watchmen, storekeepers, bridgetenders, animal keepers, etc.

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The reasons for creating a street cleaning, police and fire service are self-explanatory. These are the large specialized uniformed forces of the city. It is true that the rank and file of the street cleaning department are very close to laborers and that the police are close to inspectors, investigators and watchmen, but these forces have peculiar identities and duties of their own and no purpose could be served by classifying them otherwise than separately and individually.

The institutional service is another service which is not entirely functional and does not include all employees in the city performing a certain kind of work. It includes in general all employees in institutions other than professional workers, from helpers and artisans up to and including lay administrators. The institutional problem is a peculiar and difficult one. A helper in an institution who receives maintenance may be doing work very similar to that of a laborer or skilled laborer in other departments, but the conditions of employment and salary are so different from those of employees in other departments as to constitute for purposes of classification a separate and distinct kind of employment.

The skilled trades service includes the recognized skilled trades—mostly unionized trades—and, in addition, a few classes of employees, such as fire telegraph despatchers and employees on city boats, who have been placed in this service because the work is more accurately classified in this service than in any other. There is a great advantage in keeping the skilled trades, particularly the unionized trades, together, since the problem of determining prevailing rates or of setting up annual salaries for these employees should be dealt with as a whole.

The labor service includes laborers, skilled laborers and miscellaneous supervisors of laborers not included in the skilled trades service or the custodial service—in general, employments requiring manual strength or the ability to supervise manual workers rather than any particular skill along specialized lines.

These services were sub-divided into groups and the groups sub-divided into grades, distinguishing the specific work to be performed by individual employees and an appropriate range of

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salary, the difference between grades being based upon clearly discernible facts as to the importance, difficulty, responsibility and value of the work.

Provision was originally made to include a managerial service, taking into consideration officials other than the supreme executives, such as superintendents of bureaus of buildings and offices, ferries, docks, parks, the chief of the fire prevention bureau, etc., with the idea that these positions, although associated with particular groups in other services, for example, the heads of the bureaus of buildings with the inspectors of buildings in the inspectional service, the chief of the fire prevention bureau with the inspectors of fire prevention, the heads of the bureaus of public buildings and offices with the caretakers and janitors of these buildings, would not and should not be in the line of promotion in these other services, and that they constituted positions for which general administrative ability and experience constitute the primary qualifications, rather than experience along any particular specialized lines. However, after considerable discussion it was decided to abandon this service because it was found impossible to limit the number of positions included in it and because it complicated the classification, in that it entirely separated certain administrative positions at the head of groups of employees from these groups of employees. It was also found that a considerable number of these administrative positions really required a long service in specialized lines rather than general administrative ability and experience. Moreover, in fixing salaries for these positions they could not be considered as isolated administrative positions but had to be considered in relation to the groups of employees under supervision. It was therefore finally decided to place these positions at the head of the groups with which they were most closely associated. For example, the caretaker group in the custodial service includes positions all the way from that of attendant in a bath to that of superintendent of public buildings and offices, even though the superintendent of public buildings and offices may be an exempt officer appointed not because he has had experience as a cleaner, caretaker and janitor, but because in the opinion of the appoint-

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ing officer he has sufficient administrative ability and experience to put him in charge of the maintenance of public buildings.

In general, it was the practice of the bureau of standards to base its specifications for each group upon a field report made by examiners who had studied the organizations in which the work outlined in this group was performed, the duties of employees, etc.

In fixing the rates of compensation in each grade the bureau of standards based its recommendations upon the following principles:

1. That a range of salary should be paid in each grade beginning somewhat lower than the average rate being paid by liberal private employers and other government agencies and proceeding by gradual increases extending over several years to a maximum rate about 10 per cent higher than this liberal average paid by other employers. It was found that it would be impossible to base salary ranges only upon salaries prevailing in other employments since there were found to be positions in the city service for which there was no parallel in private employment and since in the case of other positions, it was found that there were conditions peculiar to the New York City service, as well as conditions inherent in all government services, which made it necessary to interpret figures obtained from private employers and other government agencies in the light of New York City needs and common sense.

2. That New York City wished as far as it was financially able to be a model employer. Following this principle, the bureau of standards made an exhaustive study of a minimum wage for an unskilled laborer's family. The conclusion reached in this study was that a family consisting of an unskilled laborer, his wife and three children could not at the period of maximum family expense and demand live decently on less than $840 per year. It was therefore decided to increase the maximum compensation for street cleaners and other unskilled laborers to at least $840 on the theory that a laborer should be willing to enter the city service at a low salary while he is still young, and has few family responsibilities, on the understanding that he would receive increases in salary up to the maximum which should be

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sufficient to take care of him and his family at the time of maximum responsibilities.

In making temporary adjustments to the new scale proposed for the rank and file in the street cleaning department, about $150,000 was spent in the last two budgets. This is interesting because it shows clearly how large a sum is involved in making some adjustments in salary affecting a large number of employees. An increase of $24 a year looks very picayune until multiplied by 3000 employees. The existence of small armies of slightly underpaid employees should never be lost sight of in making preliminary estimates of savings through standardization. As a matter of fact, in the majority of large cities, it is safe to say that savings can be made through standardization only by ultimately abolishing large numbers of unnecessary positions and not merely by unpaid and downward adjustments to standard grades, however drastic. It is generally found that for every single employee, clerk or stenographer, who is drawing a $3,000 salary for $1200 work, there are ten sweepers or cleaners who are $60 below grade.

The specifications initially drawn up by the bureau of standards for each group in accordance with the principles outlined above were in almost all cases submitted for criticism at conferences attended by administrative officers, employees and experts from private employment. Numerous modifications were made as a result of these conferences. Since there are about 150 groups in all, and it is difficult to hold more than two such conferences a week and at the same time keep the field work running smoothly and correspondence up to date, it is apparent that there must be some limit to public discussion. The specifications as amended after conferences were published in a first edition and were used in making up the 1916 budget.

The history of the making of this budget is interesting. The city was face to face with a large and unexpected state tax of some $14,000,000. The fusion administration was confronted with the seeming necessity of cutting the non-mandatory part of the budget to the lowest possible total, in spite of the legitimate demands of department heads for increased service. The

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preliminary estimates indicated large increases. It was suggested that necessary savings could be made only by standardizing salaries, that is, by fixing salaries of employees in accordance with standard grades and by eliminating unnecessary positions. The mayor and comptroller declared for a drastic policy of cutting salaries and eliminating unnecessary positions. The borough presidents were opposed but offered no alternative. The president of the board of aldermen did not at this time go on record. The budget sub-committee proceeded to pass upon the first budgets which came before it on the theory that drastic adjustments to standard grades were to be made, or, as the phrase went, that they were "to cut to the bone." Considerable opposition developed not only among civil service employees but also on the part of newspapers and the public. Numerous appeals were made to the main committee of the board. The pressure for a more equitable and humane system of standardization became so great that it was resolved in a final revision of the estimates to adopt a more liberal policy, but instead of a definite plan for cutting salaries it was practically decided to take up each individual case on its merits. The result was that every argument known to public service was brought to bear to save individuals from being reduced in salary. In general, there was almost no criticism of the specifications on which the appraisals were based. There was considerable criticism of individual appraisals in one grade or another, but in the main it was felt that the appraisals were just. The position of the bureau of standards and the bureau of contract supervision, an engineering bureau of the board of estimate which assisted in the budget analysis, was anomalous.

The members of the board of estimate were not unanimously behind the salary standardization program at all. So far as could be judged, the borough presidents were opposed to all standardization downward and apparently very little in favor of any kind of standardization, nor did the other members of the board stand together in the formulation of any definite policy. The examiners who worked on the budget were therefore in the unpleasant position of making all the recommendations for cuts,

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of having no definite policy to pursue and no united board of estimate to back them up. Opposition from heads of departments where budgets were being cut was of course to be expected. It must also be remembered that the board of estimate in the making of the budget is a judicial body which must decide on their merits, differences of opinion between examiners and department heads, but it would not have been unreasonable to suppose that a fusion board of estimate definitely committed to a program of standardization could unite on a policy of standardization which could be applied almost mechanically in all cases. However, the result of the budget conferences was that substantial adjustments were made in salaries of employes; that the reductions were considerably modified through the application of a more humane principle of cutting and in a few cases through pressure or influence. A very large number of employees, particularly in the lower grades, such as sweepers and cleaners, received increases. The work on the budget showed plainly that the number of employees favorably affected was larger than the number adversely affected by salary standardization. The great savings lay in reduction in numbers of superfluous employees.

When the budget reached the board of aldermen all increases in salary above $2500 were vetoed by that board and several new and necessary positions were also vetoed. An attempt was also made to abolish the bureau of standards but this was defeated by a very narrow margin. The mayor, however, vetoed the cuts of the board of aldermen and the board failed to pass its cuts over the mayor's veto. The 1916 budget therefore represents a very substantial application of the salary specifications. Much confusion, however, has resulted owing to the fact that titles in the new specifications were placed in the budget which did not correspond to the titles at present in the civil service classification. In order to avoid further confusion it is necessary that the civil service commission adopt the titles, grades, definitions of duties, qualifications and conditions governing promotion in the new standard specifications at the earliest possible moment.

It will be remembered that the civil service commission was

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represented on the original sub-committee on standardization in 1912. Since that time the civil service commission has been represented at numerous conferences and it is due to lack of complete understanding as to the coöperation necessary between the civil service commission and the bureau of standards that it is now necessary to hold further conferences in order to settle differences of opinion. When the civil service commission has agreed to the titles, grades, definitions of duties, qualifications and conditions governing promotion in the new standard specifications, the consent of the mayor and the state civil service commission has been obtained, and the new classification has been adopted, it will remain to give to each employee his new standard title and grade. This adjustment of titles and grades is now being studied. It involves technical and legal questions which cannot be settled in a day. It is almost certain to involve some action by the board of aldermen and may require an enabling act of the state legislature. It is possible that the ultimate application of the new titles and grades of all employees must wait until the 1917 budget is adopted.

In the meantime, the civil service commission has published and is installing a new system of efficiency or service records for all employees based upon a comprehensive report submitted by the bureau of municipal research, with the intention that these records shall form the basis under the standard specifications for all regular increases in salary within grades. The new plan merely prescribes the skeleton of the service record system and the form and method of computation and final records. It is contemplated that existing accounting or administrative records will be coördinated with the final service records or that other supporting records will be developed. It must be admitted that in the case of a very large number of employees service ratings must be based largely upon the judgment of superiors and not upon reviewable facts. It is however possible to impress rating officers with the importance and the judicial nature of their work and to organize a division in the civil service commission which will be constantly in touch with the various departments and will check and review all records. If this plan is realized, it will be

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possible definitely to promise employees, especially in the lower grades, regular annual or other increases in salary provided they attain a certain mark on their service records.

It is evident from the foregoing that a large part of the work for which the bureau of standards was created is almost completed. It is therefore pertinent to review the past work and discuss the future of the bureau of standards.

During the last year the functions of the bureau of standards have been as follows:

1. To prepare standard supply specification and to assist in the preparation of the supply items of the 1916 budget.
2. To prepare standard salary and grade specifications.
3. To report to the board of estimate upon the filling of current vacancies.
4. To examine and make recommendations affecting personal service in the 1916 budget.
5. To prepare charts for budget and administrative use, indicating the present and proper organization of city departments.

The work under the first function is almost complete and what remains of this function has been transferred to another bureau to take effect on January 1, 1916.

The second function has been discussed at length above. A second and revised edition of the standard specifications including the suggestions made by the civil service commission is about to be published for the board of estimates and apportionment. Presumably this will be a final edition although that board has steadily refused to commit itself to any final approval.

The third, fourth and fifth functions, involving the current and budgetary application of salary and grade specifications and the study of the present and proper organization of departments must necessarily be carried on by some central agency. This agency might be in the finance department under the comptroller, in the office of the commissioners of accounts under the mayor, it might be a bureau under the board of estimate or it might be a bureau under the civil service commission. There are objections to every one of these plans. If the mayor and presidents of the boroughs object to having this agency in the finance

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department, the control of the filling of current vacancies and the examination of the budget were orginally functions of the finance department, and there would be objection to transferring them back. The commissioners of accounts in this relation would act only for the mayor's departments in their investigational work. It is extremely doubtful whether it would be wise to add to the present judicial functions of the civil service commission the duty of making organization studies and criticising the budget. There is also little logic in the present organization of the bureau of standards and other bureaus under the board of estimates. A number of members of the board of estimate do not favor the retention of the bureau of standards as at present constituted and are definitely opposed to any extension of its functions. With the work for which it was originally established almost complete, the bureau of standards is face to face with the need of a definite program supported by the board of estimates. It must either find a function or become ridiculous.

There is a class of employees in a number of cities, where an executive budget procedure has been established, who are known as budget men. They are men who work night and day three months in the year in the preparation, review and criticism of budgets. At the end of these three months they take a vacation which lasts nine months, or, in other words, until it is necessary to begin work on the next budget. Unless the bureau of standards is given the function of studying the proper organization of departments, of bringing about adjustments and reducing the number of employees, it will become an agency paid on an annual basis for three months' work.

Unfortunately there is no time remaining to discuss standardization work in other cities and states. There is a very interesting standardization study of New York state employees going on in Albany at the present time under the direction of the senate committee on civil service, in which the bureau of municipal research is also coöperating. Certain deductions can, however, be made from all these standardization studies which may be of use to other cities and states which contemplate making similar studies:

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1. When a program for standardization work is first made, great care should be taken in determining what executive or other agency is to be responsible for the work. An effort should be made to get the persons who are to be responsible to pledge themselves to stand squarely behind the program. Without executive support field data cannot be collected, definite conclusions cannot be reached, and endless recriminations delay the work.

There is no other large program involving simplification and improvement in government which calls for more courage and integrity on the part of responsible executives than a salary standardization program. Even though many classes of employees are favorably affected and all future employees will benefit from the program, there is bound to be a great deal of ignorance and opposition to overcome and the opportunities for favoritism, especially in appraising the work of individuals and in the application of new standards are numberless.

2. In selecting examiners and investigators, it is well to avoid introducing in the standardizing agency the same conditions as regards character and conduct of personnel which this agency aims to abolish in other departments. A standardization agency should be a model agency in the plan and conduct of its work. Nothing can make salary standardization more ridiculous than to put it into the hands of lazy or incompetent examiners. There is a peculiar kind of critical mind which is of particular value in making such studies. An examiner who is not vitally interested in his work is of no value; an examiner who has too many close friends in city departments and who is susceptible to their influence is of no value; an examiner who in collecting information, preparing specifications or making appraisals always wishes to take the "human factor" into consideration is a dangerous man to associate with such work. The consideration of the "human factor" is entirely a matter of policy for policy determining bodies in applying salary and grade specifications. The examiners who prepare these specifications should prepare them on the theory that they are to fit a new generation of employees. It is no business of theirs to make adjustments to present condi-

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tions in preparing schedules which are to be applied to future employees.

3. It is necessary to establish a close coöperation with the civil service commission if the standardization work is not done in the civil service commission itself.

4. It is essential to have a more or less definite understanding as to the time and money to be spent on standardization work. Salary standardization is at best a long and tedious process, if it is to be done well, but there is a difference between time and eternity.

I believe that the final results of the work in New York City will be regarded as entirely satisfactory but it is well to remember that this work commenced in 1912 and that about $400,000 has been spent in bringing about the desired results. It is futile to attempt to establish beyond doubt who of the many agencies involved in salary standardization work is responsible for delays and set backs.

5. When salary and grade specifications have been prepared and the question arises as to their application either in a budget or for current use, experience indicates that drastic adjustments upward and downward arouse every form of political and personal opposition known in government and are likely to wreck a whole program. A very powerful executive willing to risk his political future, or an executive face to face with the universal demand for a reduced budget can succeed in making a drastic and complete standardization of all salaries. Something like this was done in Pittsburgh. It is, however, a very unsafe procedure and there are many sound arguments other than those of political expediency against it. Employees who have served for years in an unstandardized civil service and who have formed certain habits of life in accordance with their salaries, are at least entitled to some consideration in adjusting their salaries to new and unexpected standards.

6. If it is decided not to make complete and drastic adjustments and, on the other hand, not merely to wait to apply the specifications to new-comers in the service, it is essential to have a definite and almost a mechanical program of adjustments in

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order to avoid personal and political pressure and charges of favoritism. A plan such as that carried out in New York City in the preparation of the 1916 budget, involving no definite principle, excepting that of reasonable treatment of individuals, is almost worse in its effect upon employees than a drastic program which does not take individuals into consideration at all. The moment an executive body listens to every plea for an individual, the public, and particularly city employees, refuse to believe that any principle has governed the final decisions, as, in the case of New York City, when a number of restorations were made in salaries, which could not be explained satisfactorily, every employee made up his mind that there was influence behind it and that standardization was like other great reform principles—a very accurate and mathematical thing on paper but a totally different thing in its application to individuals.

7. When standardization has been put into effect and incorporated into budget and financial procedures and civil service rules and regulations, definite provision must be made for keeping it up to date and for natural expansion and change along logical lines. Unless this is done the titles, grades and salaries of employees will soon degenerate into the same chaotic state which existed before standardization.

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STANDARDIZATION AND INSPECTION[1]

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In the ten minutes I have, I want to apply some of the principles of standardization to the inspection service of the city. Now of course in ten minutes I could not even outline the extent and importance of the inspection work of a city the size of Philadelphia. But that it is important and becomes more so with each extension of the city's activity, is too well known to need repetition. In the first place I want to give some of the results of one very significant attempt at the introduction of standards in the inspection service. This was made by the registrar, in the bureau of water in Philadelphia. What he tried to do was to find the best method of procedure and have it followed, and to keep such records that a standard day's work could be determined.

The forty-five inspectors in this division count water fixtures, read meters, and inspect for the waste of water in dwellings. This data is used for the basis of water rent charges. Formerly each inspector was given a certain number of political wards and turned loose to collect his data as he saw fit. He made out his own route. There was no outside supervision, and no one knew for sure how many hours a day a man worked, or indeed whether or not he worked at all. It didn't take a man long to compile a book with all the dwellings in his district listed and all the fixtures counted and entered therein. Now water fixtures in a house are fairly constant in number. Changes generally consist in additions. No consumer kicks because of an under-charge, so an inspector could write up his report from the door-step, the corner

[1] An address before the American Political Science Association at its annual meeting in Washington, D. C., December 29, 1915.

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saloon, or even his own home, and no one would know the difference. The introduction of meters made some complications, but even then it was not difficult to compute this quarter's bill on the basis of last quarter's reading, and it was fairly safe, provided the computation was low enough.

All this has been changed. The inspector is supervised, his work is planned for him. He is given a master route which he must follow. He has typewritten instructions as to his duties at each address, with blank spaces left for the questions he must answer on the basis of his inspection. When these instructions are followed and the blanks filled out, they constitute a report on each house. He must also make a complete daily report, showing where on his route he began, where he quit, the number of inspections, the number of no responses, the number of notices served, etc. A chief inspector acts as a free lance, not as a spy, but to check up the accuracy of the work. Carefully kept records make it easy in this way to determine what is a standard day's work, and how far above or below the standard each man falls. The number of mistakes each man makes can also be determined. This complete record is kept up to date and posted monthly. In short, the good work can be sorted from the bad, but at present it cannot be rewarded. All inspectors receive the same salary, and there is no standard provision for promotion. An inspector receives as much salary the day he begins working for the city as the day he dies of old age. In fact the registrar found that six of his forty-five inspectors were so old and decrepit, they could not assume any new duties or learn a new method of work, nor were they able to do a standard day's work. But there is no provision for pensioning these men. They must remain inspectors though they lower the tone and efficiency of the whole division.

To my mind this attempt at the introduction of standards is far more important and significant than the actual results already obtained. It is a forecast for the future. In spite of the handicaps, however, the results have been all that could be hoped for. The quality of work has been vastly improved. There is an incentive to the men to do good work, even if it is

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nothing more than beating the record. And the quantity of the work has likewise increased. In 1911, about 62,000 inspections were made, while in 1912, 292,000 were made by the same force, and the water rent on the same properties was increased by over $150,000. In short, the standard of efficiency has been steadily raised.

One of the most fertile fields for standardization is in the handling of complaints. Now the way a complaint is handled means more to the individual citizen than almost any other phase of municipal administration. You might steal the city hall or save the city ten million dollars and the ordinary citizen would not get unduly excited about it. But he is tremendously concerned about the way a matter he has complained of is handled—and in far too many instances, these matters are handled very badly. I have in mind the almost everlasting reference of complaints from one bureau or department to another—while the complainant waits. True there are reasons, principally the lack of uniformity of the laws and ordinances which have placed so many things under conflicting jurisdictions and commanded bureas and departments to do things without giving them the necessary power. Thus a bureau operating under a fixed (and inadequate) appropriation shoves every possible matter into this twilight zone over which no one has authority. When a crisis comes or something happens, the bureau saves its face by pointing to its record. "This matter was referred on such and such a date to such and such a bureau for its attention." Director Cooke in the course of the multitude of improvements which he has instituted in Philadelphia, long ago realized this problem of the foot-balling of matters from bureau to bureau but unfortunately his term of office was too short, and the handicaps too great to do every thing which needed to be done. I have in mind an illustration which came to light in a study I undertook at his suggestion. It is the story of two bricks which on the fifth of June were taken from the private alley-way of an Irish widow and used to finish repaving around a fire plug. The widow was frankly angry. She called up city hall the same day and threatened to sue the city. She got little satisfaction out of that, so she wrote a letter imme-

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diately to the bureau of water. The chief of this bureau received the letter, sent it to the proper water district, and wrote the widow promising ap rompt investigation. The Purveyor of this district made a personal investigation and found the widow had stated the facts correctly. Her bricks had been pried up, and were now reposing by the fire plug. But did he replace the bricks? No indeed, though there were 40,000 belonging to the city in his back yard. He looked up his record and found that *his* workmen had not done the job in question, so the water bureau could not be at fault. He made this report to his chief, who again wrote to the widow and promised to refer the matter to the bureau of highways for its attention. On June 19, the reference came to a division engineer in the highway bureau, who sent it to the proper highway district (which has an office in the same building with the purveyor of water, who had originally looked into the complaint). On June 23, a district inspector of the highways bureau reviewed the scene, but did not replace the bricks. He saw the damage and so reported. His superior looked up the records and found a certain contractor responsible for the job of repaving, and notified the contractor to replace the bricks. I went with the inspector to view the scene on July 12—his third visit, five weeks after the complaint had been made, and the two moss covered bricks were still reposing by the fire plug, while the alley-way of the widow showed a corresponding vacancy. The subsequent history of this affair I do not know. But it is not an exaggerated or isolated instance. The same procedure is gone through with thousands of times each year, only most complaints are more serious, and many, concerning buildings, sewers, water, streets, etc., wend their way through four or five bureaus instead of two. A booklet classifying complaints, showing to what bureau each should be addressed has helped steer many in the right channel. But unfortunately, it has not stopped many unnecessary references.

It seems to me that before we can even approximate efficiency in city administration, there must be the widest possible extension of the application of standards. Then good work can be recognized. Good work must be rewarded by promotion—promotion

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based on merit. The laws and ordinances must be revised to eliminate this "twilight zone." It must no longer serve as an excuse for the non-performance of duty. Under the present arrangements not even the proverbial Philadelphia lawyer can tell just who is to blame. The individual citizen certainly is helpless. I do not wonder he views with alarm every extension of the city's activity when he must wait six weeks for the answer to a simple complaint while it is being shifted from one bureau to another, finally ending in that "no man's land," over which no one has authority. One possible way out of the difficulty would be a central bureau of complaints and inspection to receive and investigate all complaints, serve the proper notice on the property owner, or notify the proper city department of the action needed, as the facts might warrant. This would save the city's money—spent today in double and triple inspection. But better still, it would fix responsibility—which makes for efficiency. And it would enable the citizen to see "the wheels go round," and so make it worth his while to take an interest in the city's business.

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LEGISLATIVE NOTES AND REVIEWS

JOHN A. LAPP

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The Initiative and Referendum in 1915. From the statutes enacted by the legislatures of California, Washington, Ohio, Nevada and Nebraska in session iu 1915 and the amendments proposed during the year to be voted on in 1916 in Minnesota, Arizona, and Arkansas it appears that the initiative and referendum were quite extensively acted upon during the year. Considerable legislation on this subject was proposed in many other States which conservative or reactionary legislatures killed. The year's legislation added no new States to the list already having the initiative and referendum except Maryland where the referendum was adopted by the voters of the State at the general election. An interesting resolution was passed by the Montana legislature providing for investigaton by a committee with the purpose of suggesting improvements to the initiative measures already in operation in the Stare,

Fifteen state legislatures held a session in 1916 and the initiative and referendum were given more or less attention in ten of these, namely, New York, Massachusetts, Illinois, New Jersey, Virginia, Maryland, Kentucky, Rhode Island, South Carolina and Mississippi. All the sessions are not over at the time this article is written but it is extremely doubtful that any of these States will take such a step this year. Nevertheless all over the country more attention is being drawn to this method of enacting and rejecting legislation by the electors.

A brief review of the amendments voted on at the election and the laws passed in 1915 affecting the working of the initiative and referendum machinery in the various States follows.

Maryland. The 1914 legislature of Maryland provided for an act to amend the constitution by giving the voters of the State the referendum, provided they voted to adopt the amendment at the 1915 election. This amendment was adopted by a vote of 2 to 1 at the polls. In the form passed the referendum can be invoked on any act passed by the general assembly on a petition signed by 10,000 voters of the

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State. Any public local law for any county or the city of Baltimore can be referred upon referendum petition of 10 per cent of the qualified voters of the county or city. No law except an emergency law—with due restrictions as to what may be considered an emergency law—goes into effect until the first day of June following the session at which it was passed. In the meantime petitions to refer the vote may be filed. An emergency law remains in force notwithstanding such petition but is repealed 30 days after a majority of the voters reject it. If a number of signatures to any referendum petition equal to more than one-half of the required number be filed by the first day of June, the time for the law to take effect and for obtaining the remainder of the signatures is extended to June 30. No law or constitutional amendment licensing, regulating, prohibiting or submitting to local option the manufacture or sale of malt or spirituous liquors shall be referred or repealed under this act.

Minnesota. The people of Minnesota are apparently determined to have the initiative and referendum in their constitution. At the general election in 1914 such an amendment was favored at the polls by a 4 to 1 majority of those voting on the question but the Minnesota constitution requires that such an amendment must have a majority of the votes for candidates so the proposal was defeated. In other words an elector not voting for an amendment in Minnesota is counted as voting against it. An act providing for the initiative and referendum as an additional means to secure and control legislation and as an additional means by which the people may amend the constitution will be on the ballot again next November. Under this a constitutional initiative signed by 2 per cent of the electors of the State may be presented to the legislature. If the legislature does not submit the amendment to the electors at the next election or submits it in a different form, then a further petition signed by 8 per cent of the electors of the State will secure its submission to the voters at the next election. A provision is made whereby the amendment shall become a part of the constitution if approved by a majority of the electors voting at such election or by four-sevenths of the electors voting on the amendment; provided, not less than three-sevenths of the voters voting at the election voted for the proposed amendment. A statutory initiative signed by 2 per cent of the electors of the State may be presented to the legislature. If the legislature does not pass the proposed law a further petition signed by 6 per cent of the electors of the State is sufficient to submit the proposed law at the next election and it becomes a law if ap-

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proved by a majority of the electors voting thereon providing the vote in favor of the proposed law is not less than 33 per cent of the total number of votes cast at the election.

A referendeum can be had on any law if the petition is signed by 6 per cent of the electors of the State. The law is repealed if a majority of the electors vote for its repeal provided the number is not less than 33 per cent of the total number of votes cast at such election. Fifteen per cent of the electors may suspend a law ending the referendum vote.

The provision as to distribution of signers requires that not less than one-half of the necessary percentage of voters shall be obtained in not less than one-fourth of the counties of the State. Voters who have signed the first petition are also qualified to sign the second petition. The percentage in any case is based upon the total number of votes cast for governor at the next preceding election.

Arkansas. Arkansas adopted the initiative and referendum in 1910 and it seems probable now that a substitute initiative and referendum measure will be submitted to the voters at the general election in 1916, as more than enough signatures have been filed with the secretary of state for the proposed substitute. At present the number of constitutional amendments that may be proposed by the legislature and submitted to the voters of the State in any year is limited to three. The present initiative and referendum measure is quite sure to be placed on the ballot next fall as it was filed third on the waiting list and it also will provide if it is approved for the removal of any restriction as to the number of initiative and referendum measures that may be voted on in any year.

The proposed constitutional or statutory initiative petitions require 10,000 legal voters as signers and the petition must be filed four months before an election. Referendum petitions must have 7000 voters as signers and must be filed within 90 days after the legislature adjourns. Emergency measures passed by a three-fourths vote of the legislature except franchises or special privilege measures go into effect at once but all other measures are suspended until the result of the election is obtained. Signers of petitions do not have to be distributed in each county of the state.

The initiative and referendum also applies to cities and counties where 10 per cent of the voters must sign the initiative and 15 per cent the referendum petitions. The proposed amendment provides that a majority of the votes cast for candidates shall not be required to pass an initiative and referendum measure. It takes a three-fourths vote of

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all members of a legislative body to repeal or amend a measure approved by popular vote, and a unanimous decision of the supreme court to declare the measure unconstitutional. Compensation may be given for circulating petitions. It is left to the legislature to provide punishment for fraudulent practices in connection with the operation of the initiative and referendum measure.

Arizona. The Arizona legislature took a reactionary step at its 1915 session when provision was made for an amendment to be submitted to the voters at the general election in 1916 requiring that initiative and referendum measures to be adopted must receive a majority of the total vote of electors voting at an election instead of a majority of the votes cast on the measure itself.

Nevada. Qualified electors of each county in Nevada obtained from the 1915 legislature power to demand a referendum on any law passed by the legislature which pertains only to their county provided that 10 per cent of the voters of the county petition it. A petition of 40 per cent of the voters of the county calls for a special election. A referendum election on charter amendments upon petition of 10 per cent of the qualified voters of the city is provided for in the act giving cities the commission form of government.

Nebraska. A law was passed by the 1915 Nebraska legislature relating to the initiative and referendum in municipalities by providing that not more than one initiative and referendum proposal upon the same question shall be submitted in any year and also providing that ordinances adopted shall go into effect immediately. This act does not become effective in any city until the voters accept it.

Ohio. The 1915 Ohio legislature passed a law making any person who is convicted of fraud, deception or bribery in signing or circulating initiative or referendum petitions subject to a fine of from $100 to $500.

Another act was passed relative to the sufficiency of signatures to initiative and referendum petitions. The board of deputy state supervisors of elections of each county containing a city where registration of voters is required must keep the petitions open to public inspection and must carefully compare the names of the signers with the registration list to assertain that every signer is qualified. The sufficiency of any doubted signature is settled by the court of common pleas of each county. The sufficiency of all signatures is assumed unless they are proved otherwise at least forty days before the election in which case ten additional days may be allowed for filing additional signatures to the petition. The board must return the parts of the petition to the

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secretary of state certifying the signatures within 25 days after receiving it from him and not less than 50 days before the election.

Another act provides for an honest election on questions submitted to a state referendum vote. Any qualified elector may demand a recount of ballots on state referendum questions within 15 days after the result of the election has been announced, by filing a petition stating his reasons for the request in the common pleas court of Franklin County. The chief justice of the supreme court names a judge to hear the case. If a recounting of the ballots is necessary two master commissioners may be appointed by the court to help make the recount. Both sides may be present or represented. The court disposes of disputed and uncounted ballots. If the recount differs from the first count the court shall enter a finding stating whether the error was willful or a mistake. If it is found to be due to gross negligence or willfulness on the part of election officials after duly giving them a hearing the court shall adjudge the costs of the recount against such officials and may impose an additional fine of not more than $500 which fine goes into the common school fund. A fine of from $500 to $1000 and imprisonment from 6 months to 1 year may be meted out to anyone who tampers with or changes the ballots. Similar provision is made for contests ln referendum questions in counties, municipalities, or townships as to procedure and penalty.

A constitutional amendment affecting the workings of the initiative and referendum machinery in Ohio was submitted to the voters at the general election in 1915, and was defeated. This so-called "Stability Amendment" which the electors of the State of Ohio turned down at the polls provided that no amendment to the state constitution which has twice been rejected since the adoption of the new constitution in 1912 shall again be presented to the voters unless 6 years shall have elapsed since the last rejection. The Ohio Stability League said to be backed by the brewing interests and opponents of the initiative and referendum, circulated the initiative petition proposing this change in the state constitution asserting its purpose to be to prevent the abuse of the initiative. It may be of more than passing significance that in both 1914 and 1915 a prohibition amendment had been defeated in Ohio. The labor unions, direct legislation advocates and the anti-saloon league opposed the measure. Supporters of the measure argued that three possible votes within a period of seven years on the same proposition and thereafter one vote every six years should be enough to carry any measure that the people want.

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Washington. The 1915 Washington legislature controlled by a group of reactionaries passed a law to which they gave the rather misleading title, "To Facilitate the Operation of the Initiative and Referendum." Governor Lister vetoed the bill but it was again passed by the legislature over his veto. The law provides that voters both in city and country districts must sign initiative and referendum petitions in registration offices before a registration officer. It is made a gross misdemeanor for anyone to attempt to induce any person to sign a petition within 100 feet of the entrance to a registration office. The attorney general if requested to is required to advise proponents of an initiative measure as to its form and phraseology. The exact forms for petitions to the legislature, petitions proposing measures for popular vote and referendum petitions were fixed by the legislature and all initiative measures must be filed within 10 months prior to the election or session of the legislature at which they are to be submitted. The secretary of state canvasses the petitions in the presence of at least one proponent and one opponent of the proposed measure, if they so desire, and sends a certified copy of the petition to the legislature. The law makes it a felony and provides punishment for illegal signers, false names, false statements and bribery in connection with these petitions. Any citizen if dissatisfied with the rulings of the secretary of state that the petition does not contain the required number of legal voters or has fraudulant names may get an injunction and take the case to Thurston superior court, the court to examine the petition and the supreme court may review the decision of the superior court.

California. In the progressive State of California Governor Johnson in his annual message to the 1915 legislature called attention to some abuses and irregularities of the initiative and referendum and recommended that the law be amended to make these abuses impossible. The legislature acted upon his suggestions by setting forth the qualifications of an elector who signs a petition and made it a felony to sign false names punishable by from one to fourteen years imprisonment. Misrepresentation or fraud in securing signers to initiative and referendum petitions are punishable by imprisonment for not more than two years or by a fine of not nore than $5000 or by both. Provision was also made for mailing pamphlets containing the proposed measures to every voter fifteen days before an election. Initiated measures in future are to be submitted to the attorney general who shall prepare a title and summary for the measure. The legislative Counsel Bureau when asked in writing by 25 or more proponents of an initiative meas-

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ure shall coöperate in the preparation of such law if he thinks it a reasonable measure.

The Act of 1912 providing direct legislation for cities and towns by means of the initiative and referendum was quite extensively amended. If 15 per cent of the electors of any city or town sign a petition containing a request that such ordinance be submitted to the vote of the people at a special election and present it to the legislative body of their city or town, the legislative body must either pass the ordinance without alteration within ten days after it is presented or call a special election at which the ordinance shall be submitted to popular vote. If only 10 per cent of the electors sign the petition, and the ordinance petitioned for is not required to be, or is not submitted to the voters at a special election, and is not passed in its original form by the legislative body then it goes on the ballot for the approval or rejection of the electors at the next regular municipal election. The ordinance is adopted by a majority vote and goes into effect ten days after the vote is canvassed and declared by the canvassing board. No ordinance proposed by the people can be repealed except by vote of the people. There can be not more than one special election in six months but any number of petitions can be voted on at one election. Sample ballots must be mailed to every voter ten days before the elction. The proponents of the petition may have printed on the sample ballot arguments for the measure in not more than 300 words and the legislative body has an equal chance to oppose it. A petition of 10 per cent of the electors in protest of any ordinance passed by the legislative body except an emergency ordinance or an ordinance calling or otherwise relating to an election, suspends such ordinance from going into operation and if the legislative body does not reconsider and entirely repeal the same it must go to the voters for approval or rejection.

The California Constitutional Amendment submitted to the voters at the election and defeated would have made slight changes in the present law by providing that no law creating a bonded indebtedness should be enacted by initiatively the electors without the assent of two-thirds of the qualified electors voting. At present a majotity vote suffices. Authorization was also to be given the legislature to pass appropriate legislation to protect initiative and referendum petitions from fraud and misrepresentation.

New Jersey. In New Jersey an amendment providing that any future constitutional amendment passed by two successive legislatures could be submitted to the vote of the electors in any year but once

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defeated could not be brought up again for five years, was lost. Another proviso of this proposed amendment required that every amendment must be submitted and voted on separately.

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Administration and Supervision of State Charities and Corrections. There is little uniformity among the charity and correction systems of the various commonwealths of the United States, either in statutory law or in the practical working out of the system. No two States have the same law, and States with similar laws work out their problems in many different ways, owing primarily to the different conditions which confront the State or to the different development of charity problems in each State. However, state supervision or administration, through a state board, is now almost universal. Of the forty-eight States, forty-two have some form of supervision by the State. Six have no state supervision except such perfunctory inspection as may be made by the governor or legislature at annual or biennal intervals, the whole power over state institutions resting with the individual boards of trustees.

There are at least seventy boards and commissions in the United States which deal with some part of the problem of state supervision of charities and corrections. Of these, four consist of a single individual. Alabama has a state prison inspector, New Jersey a state commissioner of charities and corrections, New York a fiscal supervisor of charitable institutions and Oklahoma a state commissioner of charities and corrections. There are several minor state boards such as the Ohio and Massachusetts commissions for the blind and the New Jersey state board of Children's guardians.

For purposes of analyses, however, the larger state boards may be divided and classified according to the three main divisions of the general field of charities. Those fields are broadly (1) penal and reformatory institutions; (2) institutions for the insane; and (3) strictly charitable institutions. In a few States such as Alabama, Georgia, Nevada and Texas, the only state board is that over penal institutions—the prison commission as it is called. Twelve States have such boards over their penal institutions, usually, however, with another board in at least one of the other fields. Seven States have separate boards over the insane.

By far the most common, however, are those States which have but

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a single board over all three fields. There are twenty-two States with such a single board over all three fields. Four States have two boards over the three fields; that is, either a single board over the insane and charitable institutions with a separate prison commission over the penal institutions, or a charity board over both the penal and charitable institutions, with a separate board over the insane. Massachusetts and New York have a separate board for each of the three fields, while California has separate boards for each field with an additional fiscal board over all.

Again some States have two boards over the same institutions—the "dual system" as it is called, which is described later on. One of the boards is administrative or fiscal, the other is supervisory. These States are California, Illinois, Minnesota, Nebraska, New York, Ohio, Oklahoma, Rhode Island and South Dakota.

In the duties and powers of boards in the same State there is also wide discrepancy. The prison commission may be administrative, the charity board supervisory. There may be a dual system over the charities, while in the same State the prison commission may be supervisory and the lunacy commission administrative, as is the case in New York.

Again there is considerable difference in the scope of the authority of all of these boards. Some may be strictly confined to the supervision of state institutions, while others may have power of inspecting and investigating local and county institutions and even private charity organizations. Some may be given duties which emphasize the fiscal side of the institutions, while others may be specifically forbidden to interfere in any way with the administration of the institutions.

In a few States the boards have control or supervision of certain groups of institutions located close together. Such is particularly the case in Rhode Island. Certain States, including Minnesota, Rhode Island, South Dakota and Vermont have special state boards of visitors to state institutions, while many of the southern and western States with well developed county systems supplement the work of the state boards with boards of county visitors or county boards of charities.

In the main, however, certain tendencies may be noted. The larger States, which have several institutions in the same class; that is, several hospitals for the insane or several penitentiaries tend to divide the work of charity supervision by placing a separate roard over such institutions. There is no such tendency in most States, either because the area of the State is small, or because there are but one or two institutions in the same class, so that one board can cover the whole State satisfac-

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torily. Each State usually has some one problem predominating—the care of paupers, children, insane or criminals, and such a State tends to develop a board whose essential function is to care for this particular class. Thus in Massachusetts the Board of Charities has two sub-divisions, caring for adult paupers and for dependent children. In Illinois the board of administration finds the insane the chief problem. In Georgia and other southern States where general charity work upon the part of the State is but little developed, the convict presents the chief problem. In nearly every State a large part of charity work still devolves to a considerable extent upon private philanthropic organizations or upon local or municipal organizations. The State Charities Aid Association of New York is the most notable example of such a private organization whose work has been of great importance.

It should always be borne in mind that in the majority of States the administration of institutions is still in the hands of individual boards of trustees rather than under a centralized state board. Thus in at least twenty-nine or 60 per cent of the States, the separate boards of trustees are still charged with the administration of state institutions. Even in States having central administrative boards, the institutions in one or more of the fields of charity supervision may still be under separate boards of trustees. The presence of supervisory boards of charities does not change the function of these individual boards in the slightest degree. Even where there are so-called boards of control. the individual boards of trustees may still exist in the same field, though often with modified powers. This is notably the case in California, New York and Rhode Island.

In spite of this great variety, the various state systems may be divided into three large groups or types—the supervisory, the administrative and the dual. The boards under all of these systems have certain minor characteristics in common. The members are usually appointed by the governor, with or without the advice and consent of the senate. All of the boards are allowed to appoint a secretary, usually at a fixed salary, together with such clerical assistants and special agents as may be necessary. Thus Indiana has a staff of thirteen besides the secretary, while Iowa has fifteen.

To point out the fundamental characteristics of each system, three States are taken as examples. In each of these, the particular system is working with marked successs, and the law creating each system is in the main quite typical.

Indiana has eighteen state institutions, each of which is administered

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in all details by a separate board of trustees. These boards have all powers of appointment, supervise the purchase of supplies, by contract or otherwise, and methods of caring for the inmates. There is absolutely no connection between the managements of the various institutions. State supervision of these institutions is vested in a board of state charities consisting of six members appointed by the governor who is ex-officio member and president of the board. Regular meetings are held quarterly or more frequently if deemed necessary. The members receive no compensation.

The board "shall investigate the whole system of public charities and correctional institutions of the State, examine into the condition and management thereof, especially of prisons, jails, infirmaries, public hospitals and asylums;" may prescribe such forms of reports and registration as it may deem essential to secure accuracy, uniformity and completeness of statistics. All plans for new jails and infirmaries shall, before adoption of the same by the county authorities, be submitted to the board for suggestion and criticism. At its discretion, the board may at any time make an investigation by the whole board or by a committee of its members, of the management of any penal reformatory, or charitable institution of the State, and in such investigation it shall have power to send for persons or papers and to administer oaths and affirmations.

The board has also the supervision of official out-door poor relief; is agent of the State in the supervision of all orphans' homes and associations supported in whole or in part from public funds; visits all institutions caring for neglected or dependent children; passes upon the fitness of associations proposing to incorporate for the purpose of caring for such children; and licenses maternity hospitals and all child caring institutions.

The board appoints a paid secretary who is also allowed his travelling expenses. The secretary is ex-officio member of the state board of truancy.

The powers of the board are entirely supervisory or, as that term is usually understood, advisory. It has no power to interfere in any way with the management of the institutions. The only executive power the board possesses is in passing upon the incorporation of charitable organizations, licensing certain classes of organizations and passing upon plans for jails and lockups.

Indiana also has county boards of charity which report to the State board and greatly supplement its work. This is peculiar to states hav-

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ing well organized county systems, and is not, generally an essential element of the supervisory system as a whole.

The success of the Indiana board or system lies primarily in the personnel of the board. During nearly every year of its existence the board has had among its members men not only experts in the charity work of their own State, but men who have had national reputations in charity work.

Iowa—The Administrative Type. Iowa has a single centralized board of control, of three members appointed by the governor, each of whom receives a salary of $3000 per year. The board has full charge over all state charitable institutions, appointing the superintendents and fixing all salaries. For minor employes, it fixes a graded scale of wages. Its fiscal control is emphasized. It receives monthly estimates from the superintendents and lays down laws and rules for the purchasing of supplies. It controls this purchase by estimates and contracts, but the actual buying is done by the heads of each institution. It has also fiscal supervision over the affairs of the educational institutions of the State. It has full powers of investigation, may summons witnesses, administer oaths and compel testimony. It is given power of visitation and inspection over county and private institutions for the insane, and over certain other private institutions. It is in addition given the duty of investigating the whole system of state charities, thus combining with its administrative functions some of the duties of the Indiana supervisory board.

It is usual for boards of this type to appoint only the heads of the institutions, allowing the latter to appoint the minor officials and employes. There is often found a provision prohibiting the members of the board from attempting to influence the superintendent in the appointing of the employes under him, in order to prevent the entrance of politics into the internal affairs of the institutions.

Illinois—The Dual Type. In Illinois there are two separate boards over the charitable institutions, one a board of administration, the other a charities commission. The board of administration consists of five members, appointed by the governor, who have executive and administrative control over all state charitable institutions excepting the prisons. It resembles the Iowa board in many respects. Its fiscal power is emphasized, and one member, styled fiscal supervisor, has special charge over the finances of the institutions. He inspects the books and provides a uniform method of accounting, examines the condition of the buildings and grounds and supervises the making of repairs. Act-

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ing with a committee of the superintendents, he has charge of purchasing supplies by contract. The superintendents submit monthly estimates and the fiscal supervisor revises these, always referring important matters to the whole board. The board appoints the heads of the institutions, and fixes their salaries. It also establishes a graded scale of wages for the minor officials, who hold office under the civil service plan. The board in addition to its strictly administrative functions is also given power to inspect and investigate out-door poor relief, almshouses, children's homefinding societies, orphanages, lying-in hospitals and any place where persons are detained for treatment of nervous diseases; it also inspects county jails, city prisoms, workhouses, etc., and one of its duties is to collect statistical information concerning the inmates of all these institutions. It must visit each state institution at least quarterly. Each member receives a salary of $6000 per year.

The charities commission consists of five members appointed by the governor, who receive no compensation. Its chief duty is to investigate the whole system of public charitable institutions of the State, examine into the management and condition thereof, especially of state hospitals and local jails and almshouses. In this it is quite similar to the Indiana board, having no mandatory powers. The charities commission may inquire, in its discretion, into the equipment, management and policies of all institutions and organizations coming under the supervision, administration or inspection of the board of administration. It maintains a special bureau of criminal statistics.

From this it is seen that the board of administration handles the business details of the state institutions and supervises certain other organizations, while the function of the charities commission is purely supervisory. The business of the former is primarily with institutions and organizations; the latter studies the whole charity problem in its broad aspects. The former has the responsibility for the management of each institution, its methods, both along fiscal lines and in the care of inmates; the latter is in these matters only a checking agency, but without powers which would bring the two boards into conflict. It would seem at first sight that the charities commission was simply a system of espionage upon the acts of the administrative board, but such does not seem to have been the experience of Illinois. Th law was framed to create a harmonious system, not to establish two antagonistic boards. The charities commission, it is found, has a definite, separate sphere. Its valuable contribution to charity work lies in its educational policy. It holds quarterly conferences with the heads of the

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institutions and other influential charity workers at which the more advanced problems are discussed. The reports and findings of the conference are published in a quarterly bulletin which is widely distributed throughout the State. Moreover, the supervisory board has an important influence over private charity organizations, and its opinions and advice have considerable weight with such societies, while on the whole this board tends to bring the private organizations into closer touch with the work of the State. The administrative board has a distinctly different attitude. It has power to compel many of the local institutions to conform to its recommendations and throughout the idea of its superior authority is predominant. The board of administration brings fiscal efficiency into the state institutions; the charities commission creates a uniform attitude throughout the State on all charity problems and secures cooperation between all the charity agencies, public or private, while it fosters and educates public opinion not only on the practical problems before the State, but also on the advanced methods which it is seeking to introduce and the more enlightened and scientific case and treatment of all classes of inmates, not only while in institutions, but after they have left, and on methods of prevention.

The distinguishing feature of the dual system lies in the existence of two boards over the same institutions. One board is purely supervisory or advisory. The other may have either complete control over the affairs of the institution, or administrative powers in fiscal matters only. The Illinois system is virtually a harmonious combination of the Indiana and Iowa boards.

CLASSIFICATION OF EXISTING STATE SYSTEMS

Six States have no state board for the supervision of charities. These are Idaho, Maine, Mississippi, New Mexico, Oregon and Utah. Five States have no other board besides a prison commission and in most of these States the boards are merely trustees for one or two institutions. But since these boards are state boards over that field which is particularly pressing in these States, and in a limited way do exercise supervision and administration over state charities, these boards have been included in the following classification and the state systems have been classified as though the board were fully a charity board over more than one field.

Fifteen States in the United States are essentially of the Iowa type. They are Arizona, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Montana, Nevada, North Dakota, Texas, Washington, West

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Virginia, Wisconsin and Wyoming. Three of these are what are known as "ex-officio" boards; they consist of officials who already hold an office under the State, and the boards thus made up are not considered of great value in charity work. Arkansas, Georgia and Texas have only a single board of prison commissioners, with no state supervision in other fields. And their powers in that one field are inferior to the powers of the Iowa board. Kansas has two separate boards, one over the prisons and reformatories, the other over the charitable institutions and insane hospitals. Each board is similar in powers and functions to the Iowa board. Montana also has a second board, the board of commissioners for the insane, which is identical with the board of prison commissioners in personnel, and is therefore hardly to be considered an entirely different board, but rather the same board given a different name for its new functions.

There are sixteen States which are essentially of the Indiana or supervisory type. They are: Alabama, Colorado, Connecticut, Delaware, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee and Virginia. Of these, twelve are strictly after the Indiana type; that is, they have a single board of supervision over all charitable institutions. These are Colorado, Connecticut, Indiana, Louisiana, Maryland, Michigan, Missouri, North Carolina, Pennsylvania, South Carolina, Tennessee and Virginia. A sub-committee of the Pennsulvania board, however, is practically an administrative board for the insane institutions. Delaware has a commission of two members, styled board of supervisors of state and county institutions in New Castle County. Although operating in only one of the three counties of the State, this is really a state board, created by the State and presumably confined to the county where the state's charity problem is most felt.

There are now eleven States which may possibly be classed under the dual system. These are California, Illinois, Minnesota, Nebraska, New Hampshire New York, Ohio, Oklahoma, Rhode Island, South Dakota and Vermont. Of these only Illinois and Ohio are at all similar in the organization and functions given the boards, though the fiscal side of the state systems of New Hampshire and Vermont are very similar. The Ohio system was quite obviously modeled after the Illinois plan, although one essential change was made, the fiscal supervisor in Ohio not being a member of the board but merely an employee. In all the other States the conditions found are peculiar to that State.

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The first fact in conclusion that seems self-evident is that the idea of centralizing or consolidating the administrative side of state institutions is now in great favor and is increasing in popularity. Since 1900 out of twenty-two boards created, fourteen were administrative; only nine supervisory boards being established in that time. The figures are much more striking if we consider the period within the past five or six years. Since 1908 only two supervisory boards have been established in what is strictly the field of charitable institutions. During the same period nine administrative boards have been created in that field. (Some of these administrative boards being in the dual system, of course.) Again, in the governors' messages for 1915 the governors of four States definitely urge the creation of an administrative board to have full control over state institutions. In only one State did the governor recommend the creation of a supervisory board, although the governor of Missouri in his message opposed the board of control idea. Hence there is clearly a very definite and positive tendency at present towards the centralization of the control of state institutions.

FREDERICK H. GUILD.

University of Illinois.

Mechanical Registration of Legislative Votes. Among the numerous devices developed and perfected for the regulation of legislative procedure, none is deserving of more thoughtful consideration than the installation of mechanical devises for the registration of the votes of the members of the legislative assembly. State constitutions invariably provide that an aye and noe vote must be taken on the final passage of every measure. The time consumed in calling the roll, even by an energetic roll clerk, to ascertain whether a quorum is present, to suspend a constitutional rule, and on the passage of acts and resolutions, amounts in the aggregate to several days for each session. This traditional method is not only monotonous, burdensome and depressing, but it consumes time to no useful purpose and is particularly unsatisfactory in those States where the sessions are fixed by the constitution and where they have proved to be far too short to dispose the necessary business which the growth of modern industry has imposed upon legislative bodies. Wisconsin has taken one of the first steps to eliminate the traditional time-consuming practice of roll-calls. By an act approved July 29, 1915, the capitol building commission is required to purchase and install "an electrical and mechanical system for the instantaneous registration of the votes of the members of the

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assembly on all questions requiring a roll call." The commission is authorized to expend as much as $12,000 in the installation of this system, and the contractor is required to execute a suitable bond to keep the system in complete repair for a period of 5 years. The ultimate economy of a device capable of an instantaneous mechanical vote registration is undoubted, and the speedy introduction of similar systems in other States depends upon the accuracy which these machines are capable of attaining.

CHARLES KETTLEBOROUGH.

Secret Ballot in Argentine. An interesting and fundamental political event of outstanding importance of the present year is the employment of the secret ballot for the first time in the Argentine Republic, for the election of president. The secret ballot system was established in 1910, at the instance of the late President Saenz Pena. The president of Argentine is elected for a term of six years and is incapable of succeeding himself. It has been the custom of a president to name his successor; thus a close and unbroken coalition has been established between succeeding presidents and political traditions are thus perpetuated.

The voters are divided into two parties, the Conservatives and the Radicals. The chief dividing issue is the agrarian question; at the present time, the land is held by a few wealthy holders, members of the Conservative party; the Radicals demand a sub-division of these holdings and their distribution among numerous holders. The influence of well-distributed patronage, the efficient working of an effective machine, and in some cases the employment of the militia have stifled the expression of public sentiment and continued the Conservatives in power. The presence of a preponderating Radical sentiment has abundantly manifested itself in elections held under the new system. In Buenos Aires, a year ago, all of the deputies elected, to which the district is entitled, were Radicals. In the Province of Santa Fé, the second largest province in the republic, a Radical government was recently elected.

The system of counting votes in the Argentine is interesting; the ballots are all counted by a central committee and hence the results are not usually known until a month or six weeks after the election. Argentine also has a law which imposes a fine of $10 on an elector who fails to exercise the right of suffrage. It frequently happens that a sufficient number of qualified electors fail to exercise the right of suf-

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frage and a new election is called. The determination of calling a new election seems to rest with the central committee who count the ballots. The effect of the new system is also seen in the interest which the people are taking in the elections and the difficulty of obtaining candidates to run on the Conservative ticket.

CHARLES KETTLEBOROUGH.

Indianapolis, Ind.

The City-Manager Plan. Nearly eighty municipalities in the United States are now conducting their affairs under the city-manager plan of government. In most of these places the city manager is an adjunct of the commission form, acting as the commission's non-political, administrative and executive officer; in others his appointment has been arranged by special ordinance under the existing charter. The position is everywhere open to non-residents of the city in question; it is filled through appointment by the commissioners or councillors, the incumbent holding office during their pleasure. While the city manager's duties necessarily vary somewhat in different municipalities, in general his executive powers relate to the appointment, removal, and general control of all subordinates.

Although the city of Staunton, Va., has been using the scheme successfully since 1909, for the most part it has been in operation only from the beginning of 1914. During the last two years, the increase in the number of cities adopting this plan has been steady and as yet it shows no signs of abating. Thus far there are more cities in the south with city managers than in any other part of the country, the State of Texas alone having 9. By geographical division of States, the distribution is as follows: North Atlantic, 6; South Atlantic, 16; North Central, 24; South Central, 14; and Western, 8. It is seen, therefore, that the extreme eastern and western sections of the land have been less ready for the new method of administration than the southern and central portions. The two States which have the largest numbers of city-manager municipalities are Michigan and Texas (with 9 each); California comes next (6). Cities in five States (New York, Massachusetts, Ohio, Virginia, and Iowa) may adopt the city-manager plan by means of general charter laws providing this form as an optional type. Few cities with large populations have adopted the plan; in fact, the majority have less than 10,000. Yet Dayton, Ohio, the largest city-manager municipality, is also the one from which we get most favorable reports and where the scheme seems to be working with most conspicuous

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results. In two other large cities its adoption is just at present being urged. Ex-Mayor Blankenburg has recently recommended that for Philadelphia a short ballot and an appointed city manager "would produce best results in a city as large as Philadelphia." In Richmond, Va., a similar change in its charter, which is one of unusual complexity, is advocated.

As yet data relating to the actual operation of the city-manager plan is rather scarce and not wholly trustworthy; its general working may be briefly summarized, however, from the answers returned by some of the city managers themselves in response to a questionnaire sent out a few months ago by the bureau for research in municipal government at Harvard University. This questionnaire was sent to several of the more important cities having this type of administration; the replies received are interesting and significant, although there has been slight opportunity for verifying the statements. The cities from whom data was received are Dayton and Springfield, Ohio, Jackson and Manistee, Mich., Sherman and Amarillo, Tex., La Grande, Ore., Bakersfield, Cal., and Staunton, Va. Questions were asked in regard to the attitude of citizens toward the scheme, and its effect upon financial administration, public improvements, public safety, and public health.

In general, people living under the administration of a city manager are satisfied with its workings. Where it has been in operation for a couple of years, as in Dayton and Springfield, Amarillo, and La Grande, the general attitude towards it seems to be favorable, especially in the case of business men, chambers of commerce, citizens' leagues, etc. Where the laboring classes and the Socialists are concerned, however, the sentiment is not favorable, even to the extent, in Dayton and Springfield, of being opposed to the plan. In Jackson and Manistee laborers are reported as being well-disposed, and in Jackson one of the commissioners is a labor union man.

As for practical results during the short period of operation, the greatest good seems to have come in the field of financial administration. This has been shown in an all-round improved condition of finances—floating debts have been liquidated, customary bond issues to meet current expenses have not been issued, etc. Several places report a lowering of tax rate; in Manistee the decrease is $7.43 per thousand. Improved methods of accounting and of budget-making have been installed in these cities, although the segregated type of budget is not uniformly used. The budget estimates are presented to the council, however, by the city manager, and in at least two cities,

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Dayton and Jackson, a uniform classification of items has been provided. Not the least factor in the better regulation of the cities' financial affairs, is the central purchasing agencies by which all these cities obtain their supplies; in the smaller municipalities this is done by the city managers, in the larger by separate officials. In Dayton, during the year 1914, a saving of $20,000 is calculated to have been made through the purchasing of supplies alone.

A list of the public improvements effected in these specific city-manager cities would be long. It is sufficient to say that special attention has been paid to such things as parks and playgrounds, sewer construction, concrete bridges, and better fire-protection service. In the matter of street maintenance alone, a general improvement has been shown, particularly as regards street cleaning and repairing. In Dayton direct labor has been used for public improvements, with a considerable financial saving, and in all the cities the work done by contract has had unusually careful supervision. No noticeable results in producing new city plans have appeared, although city-planning boards have been organized in several of the cities.

The condition of the police and fire departments under the jurisdiction of a city manager is good. In most cases the police department has been subjected to a thorough reorganization and new systems of record-keeping put into force. Two cities report a large reduction in the number of arrests. Special attention has been given to the equipment of the fire departments, which have up-to-date apparatus. The equipment is mostly motor-drawn.

Another department which has been more or less reorganized in line with advanced ideas is that which concerns the public health. More stringent health laws, the appointment of public health officers, free clinics, a tuberculosis dispensary, public nurses, a city laboratory—these are some of the specific improvements which these cities have instituted for a better condition of public health. The inspection of milk and of the food supply in general receives far more attention than before the advent of the city manager.

From the foregoing it may be seen that, while improvements have resulted all along the line since the adoption of the city-manager plan, the changes are such as might have taken place under any efficient administration. It does seem to be true, however, that in financial matters a city manager is able to make substantial improvements, and in this department considerable savings may be expected in all cities after a sufficient period has elapsed to put the new plan on its feet.

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This result will in turn react on the efficiency of other departments. It may be of interest to note the advantages which are found in this form of government by the city manager of the largest city that has adopted it. These are simplicity, the basis of efficiency and economy in organization, centralized authority, fixed definite responsibility, business methods, prompt and effective action, employment of experts when needed, commissioners who represent the whole city and not merely a ward, interest shown by a higher type of men in city service, short and non-partisan ballot, abolition of politics from the administrative end of government, separation of legislation from administration, independence from the ballot in selecting trained men for particular functions of government.[1]

Financial statistics concerning the cities of Dayton and Springfield under the mayor-and-council form of government in 1913 and the commission-manager plan in 1915 may be found in a pamphlet issued on February 24, 1916, by the United States bureau of the census. This is entitled *Comparative Financial Statistics of Cities under Council and Commission Government, 1913 and 1915* (15 pp.) and contains figures for eight cities in each of three groups which average in population 94,000, 82,000, and 69,000, respectively. A full list of material on the city-manager plan has recently been compiled by the division of bibliography of the Library of Congress, with periodical references down to the close of 1915.

ALICE M. HOLDEN.

Harvard University.

[1] Address of Henry M. Waite, city manager of Dayton, at the annual meeting of the Civic League of Cleveland, February 29, 1916.

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NEWS AND NOTES

PERSONAL AND BIBLIOGRAPHICAL

EDITED BY CHARLES G. FENWICK

Bryn Mawr College

The program committee of the American Political Science Association is developing plans for the Cincinnati meeting of next December and will welcome suggestions from members, or from other persons interested, concerning any phase of its work. The members of the committee are: Prof. Frederic A. Ogg, of the University of Wisconsin, chairman; Prof. William B. Munro, of Harvard University; and Mr. John A. Lapp, of the Bureau of Legislative Information, Indianapolis.

Dr. W. W. Willoughby, professor of political science at the Johns Hopkins University and managing editor of the REVIEW has accepted appointment as deputy legal adviser to the Chinese government for one year, and will leave for Peking in May. During his absence, Professor Willoughby's course at the Johns Hopkins in United States law will be conducted by President F. J. Goodnow; and his seminary will be under the direction of Prof. J. H. Latané. President Goodnow will continue to act in this country as legal adviser to the Chinese government.

Arrangement has not yet been made for the managing editorship of the REVIEW.

Prof. J. S. Young of the University of Minnesota has been granted leave of absence for next year. He will spend a considerable portion of the year at Washington in an investioation of certain questions of state and local government.

Mr. William Anderson, instructor in municipal government at Harvard University, has been appointed to an instructorship in political science in the University of Minnesota.

Mr. Francis W. Dickey, who has been instructor in political science at Western Reserve University, has been appointed professor of government and economics at LaFayette College.

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Prof. A. B. Hall of the University of Wisconsin during February made an extended trip, visiting the universities of the middle west. He lectured at university convocations under the auspices of the Carnegie Peace Foundation.

Prof. Stanley K. Hornbeck will publish this spring through the Apleton Press a volume on *Contemporary Politics in the Far East.* The Appletons' announce as one of their volumes appearing for the spring trade: *Caribbean Interests of the United States* by Prof. Chester Lloyd Jones.

A number of professors in the University of Wisconsin have been conducting in Milwaukee before the Frei Gemeinde a course of extension lectures dealing with political science subjects.

Mr. Chester A. McLain has been appointed lecturer on constitutional law and Mr. A. C. Hanford instructor in municipal government at Harvard University.

Lamar T. Beman, whose volume in the Debaters' Handbook Series on *Prohibition of the Liquor Traffic* was published last November, has been appointed to a position in the cabinet of the mayor of Cleveland as director of public welfare.

Mr. J. F. Marron, legislative reference librarian of the Texas State Library, has recently been elected a director of the Texas Public Health Association, known until recently as the Texas Anti-tuberculosis Association.

Mr. E. A. Cottrell, instructor in political science at Wellesley College, has been engaged to conduct a survey of the public works department of the city of Newton, Mass., during the coming summer.

Professor Barrows, of the University of California, is on leave of absence and is working with the Belgium Relief Commission at Brussels.

Prof. R. C. Brooks, of Swarthmore College, is to give courses on the American and Swiss governments at the University of California during the summer session.

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Prof. Robert T. Crane, of the University of Michigan is to give courses in international law, Latin American relations, and municipal government at the Johns Hopkins University during the summer session.

Prof. G. Lowes Dickinson of Cambridge University, England, gave two lectures on the McBride Foundation at Western Reserve University, March 5 and 6. The subjects of the lectures were "The Freedom of the Seas" and "Reconstruction after the War."

William Howard Taft lectured at Cornell University from February 16 to 19 on the following topics: "Our World Relationships;" "Preparedness;" "The League to Enforce Peace;" "The Supreme Court and Popular Self-government." Professor Taft will return to Cornell in May to give another series of lectures on kindred political subjects.

A series of five lectures on "Conditions of National and International Peace" were delivered this winter at the University of Illinois by Dr. James Brown Scott of the Carnegie Endowment for International Peace. It is expected that they will later be published in book form.

Dr. Frank J. Goodnow, president of Johns Hopkins University, delivered two lectures at Brown University under the new Colver foundation on March 15 and 22. His subjects were the "American Theory of Private Rights" and the "American Theory of Government."

Frank Backus Williams, Esq., of the bar of New York City, delivered a course of four lectures on "The Law of City Planning" at the University of Michigan during February.

Prof. Ernst Freund, of the University of Chicago, has in preparation a volume on *Principles of Legislation.*

The first quarterly number of the *Commonwealth Review of the University of Oregon* has appeared. In the words of the editor, Prof. F. G. Young, the new journal is intended to facilitate the coöperation of the university "with responsive personalities and agencies throughout the State in developing constructive ideas and plans for social progress." It will serve as a permanent record of the most important discussions at the annual "Commonwealth Conferences," and afford opportunity for additional discussion of public reforms.

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The inaugural meeting of the new Chinese Social and Political Science Association took place on December 5, 1915. The association is the first of its kind in China and is regarded by its founders as marking a new era in the scientific study of political and social questions in China. The objects of the association, as stated in its constitution, are "(1) the encouragement of the scientific study of law, politics, sociology, economics and administration, and (2) the promotion of fellowship among men of similar interests." In order to avoid any suggestion that the association might develop into a political organization, it is provided in the constitution that the association shall not assume a partisan position upon any political question nor involve itself in practical politics. At the meeting on December 5, Mr. Lee Chenghsiang, the acting secretary of state and minister for foreign affairs was elected President. The American minister, Dr. Paul S. Reinsch, was elected first vice-president, the other officers being Chinese. Mr. W. F. Willoughby and Mr. Ronald MacCay, councillor of the British Legation, were elected to the executive council. In his address before the meeting Mr. Lee Cheng-hsiang expressed the hope that the association would help to strengthen the intellectual relations between the people of China and those of other countries, and he praised the efforts of Dr. Reinsch and Dr. Wellington Koo, the Chinese minister to the United States, in promoting the association. In reply Dr. Reinsch pointed out the significance of national academies for the advancement of scientific work as representing the coöperation between men of science in their respective branches. These associations, he said, form a connecting link between the individual scientist on the one hand and the scientific intelligence of the nation and of the world on the other. He then spoke of the rich field for investigation in China by reason of the long historical experience of the Chinese nation and the great variety of local conditions, and he predicted the important part the association would play in the intellectual life of the nation. The association intends to publish a quarterly review in the English language dealing with the various subjects that come within the scope of its interests. It is intended to give the association an international character by inviting jurists and political scientists in all countries to become members. The annual dues are three dollars in America, or twelve shillings in England.

The tenth annual meeting of the American Society of International Law was held in Washington, D. C., April 27–29. The subjects dis-

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cussed were: (1) The relation of the exportation of arms and munitions of war to the rights and obligations of neutrals. (2) The rules of law which should govern the conduct of submarines with reference to enemy and neutral merchant vessels and the conduct of such vessels toward submarines. (3) Should the right to establish war zones on the high seas be recognized and what, if any, should be the provisions of international law on this subject?

The American branch of the League to Enforce Peace will hold its first national assemblage in Washington, D. C., May 26, 27. Ex-President Taft will preside. The purpose of the meeting is declared to be "to devise and determine upon measures for giving effect to the proposals adopted at the Conference held last in Philadelphia for a League of Nations to Enforce Peace." These proposals are:

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second: All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility against another of the signatories, before any question arising shall be submitted as provided in the foregoing.

Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in Article 1.

The National Tax Association has begun the publication of a bulletin, the first issue of which is dated February, 1916. The *Bulletin* is to be the official organ of the association, and is to be issued periodically, at least nine issues during the year. "It is intended for circulation among the members to keep them advised on topics of current interest. It is planned to make this *Bulletin* a real and substantial help to those wish-

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ing to keep up-to-date in tax matters and to make it a medium for the intercommunication of ideas and suggestions by members and readers." The subscription price to members of the association is included in the annual membership dues. To non-members the price is $2.00 per annum. Prof. T. S. Adams of Cornell University is the managing editor. The publication office is at Lancaster, Pa.

The Public Servant is the title of a new publication issued monthly by the Society for the Promotion of Training for Public Service. Mr. Edward A. Fitzpatrick, of Madison, Wis., director of the society, is the editor of this new publication which is to be sent to all members of the society, or which may be purchased for twenty-five cents a copy.

The Searchlight on Congress is the title of a new bulletin published monthly by the National Voters League with the general object of acquainting the people with their lawmakers and making public the details of congressional procedure and business. The first issue appeared on February 1 (Washington, 833 Woodward Building, subscription $1.00 a year) and it is intended that successive issues shall give special emphasis to such matters as seem to require public attention at the moment, so that when the issues for a session are complete the public will be able to know what has been vital in that session in respect both to general and individual records. A distinct feature of the bulletin is the brief record of each days work in congress, which will prove a handy index to the Contressional Record. In December, 1915, the league published its first annual book, *Your Congress*, By Lynn Haines, which has as its sub-title "An Interpretation of the Political and Parliamentary Influences that Dominate Law-Making in America."

The *Labor Gazette* is a monthly bulletin launched in October, 1915, and announced as a non-partisan record of facts without editorial opinion or comment and not technical. Its object is to meet the demand for a regularly published summary of the material now published from so many different and widely scattered sources that is not available to to the public at large. Each number will contain a record of labor disputes, conciliation, arbitration, cost of living, trade conditions, résumés of state and federal reports of labor and industry, etc., with special articles on current questions of importance. (Subscription $1.00. 710 Southern Building, Washington, D. C.)

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In the series of government hand books published by the World Book Company and edited by Profs. David P. Barrows and Thomas H. Reed of the University of California the services of Edward Porritt have been secured for a volume on the *Government and Politics of Canada*. Prof. R. C. Brooks is at work on the *Government and Politics of Switzerland*, while Prof. Herman G. James, and Dr. Fritz-Konrad Krüger are jointly preparing the volume on the *Government and Politics of Prussia*.

Prof. Frederic A. Ogg of the University of Wisconsin has in press a volume entitled, *Economic and Social Europe, 1750–1914*, to be published by the Macmillan Company in the early summer.

The trustees of Western Reserve University have voted to establish a school of applied social sciences, work in which will begin in September, 1916. One division of this school is to be known as the division of municipal administration and public service. The organization and work of this division will be under the direction of Prof. A. R. Hatton.

Cornell University has for several years offered a course in citizenship under the direction of Professor Willcox in which men and women who are actively engaged in civic and social work are invited to lecture to the students. Among those who have given lectures this semester are Dr. Roland Haynes of New York, field secretary of the Playground and Recreation Association of America; Mr. John Martin of London, who is in this country to lecture on municipal politics; Mr. Eugene T. Lies, secretary of the Illinois committee on social legislation and lecturer at the Chicago School of Civics and Philanthropy; and Mr. John A. Fitch, member of the staff of the *Survey*.

A committee of the Missouri State Teachers Association is promoting a movement to secure a constitutional convention for the revision of the Missouri constitution.

The University of Missouri *Bulletin*, Social Science Series no. 2, contains an article on "The Monroe Doctrine, Its Origin, Development and Recent Interpretation" by Prof. F. F. Stephens of the University of Missouri.

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The State Historical Society of Iowa has recently published a volume by Dr. F. E. Haynes entitled *Third Party Movements Since the Civil War—With Special Reference to Iowa.* The work includes a survey of the liberal republican movement, the farmers' movement, the greenback movement, the populist movement and the Progressive movement.

The third annual municipal day at the State University of Iowa was held on Tuesday, March 28. The program included the following addresses: "The Reorganization of City Government," by Charles E. Merriam, professor of political science in the University of Chicago and member of the city council of Chicago; "What Dayton has Accomplished in Two Years under the City Manager Plan," by J. M. Switzer, member of the city council of Dayton, Ohio; "Home Rule for Cities and Towns," by A. R. Hatton, Professor of Political Science in Western Reserve University, Cleveland, Ohio; and "The Home Rule Movement in Iowa," by O. K. Patton, assistant in political science at the State University of Iowa.

The subject of the Morton Denison Hall Prize, established by the National Municipal League for the best essay on a subject connected with municipal government, may be selected from the same list suggested for the prize in 1915, or may be selected freely by the competitor subject to the approval of the secretary of the league. The competition closes on September 15.

A second edition of *Treaties, Their Making and Enforcement,* by S. B. Crandall (Washington, John Byrne, pp. 605,) brings the original work, published in 1902, down to date, and includes in addition an appendix containing a comprehensive digest of decisions of American courts construing treaties. The new edition is double the size of the old. A review of this work will appear in a later issue.

The National Conference on Immigration and Americanization met in Philadelphia on January 19 and 20. The conference was in charge of the national Americanization committee of which Mr. Frank Trumbull is chairman, and its object was to call together for the first time public and private agencies interested in Americanization. The proceedings of the conference together with the reports of the organizations participating will be published in a national handbook.

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The immigration housing competition committee of the National Americanization Committee offers a series of prizes ranging from $300 to $100 for the best plans for low-cost dwellings which may be used as standard types in the work of the committee. The aim of this competition is declared to be: (1) to enlist the best professional skill of architects, engineers, draughtsmen, etc., throughout the country in solving one of the most acute social and industrial problems in America today: the housing of immigrant workmen in small industrial communities: and (2) to arouse American leaders in government education and business to the fact that the adoption and maintenance of an American standard of living is fundamental in the Americanization of immigrants.

In this movement the competition is, in a sense, a detail. It will be followed by public exhibits which will include not only the entries in the competition, but plans or descriptions of work already in operation in industries or communities. Through these exhibits, and through a wide-spread educational movement among employers and others in a position to put those plans into use, it is believe that better housing among immigrants in industrial towns will result, and that a practical safeguard for an American standard of living will thus have been secured.

An education committee of nation wide scope representing the engineers, architects and employers of the country is at work organizing this national campaign. They will appreciate any information concerning plans, sketches or models for houses or town planning already in operation, and any other suggestions one may care to make.

Further information may be obtained by addressing the committee at 18 West 34th Street, New York City.

The National Civic Federation held its sixteenth annual meeting at Washington, D. C. on January 17 and 18. The addresses on the opening day dealt chiefly with labor conditions and labor laws, while the addresses on Tuesday were divided between preparedness for national defense and immigration.

The complete official report of the proceedings of the 1915 annual meeting of the National Association of Railway Commissioners was announced by the Law Reporting Company as ready for delivery by the middle of February. The membership of the association includes all of the state public service, public utility and corporation commissions, which gives to its proceedings a wider scope than matters relating to railways alone.

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Bulletin no. 97, published by the American Association for International Conciliation, contains the report of the special committee appointed by the Chamber of Commerce of the United States on the *Economic Results of the War and American Business*. The report contains constructive suggestions for the prevention of war by an agreement between nations to employ concerted economic and military pressure to compel nations which have proceeded to war to desist from military operations and submit the questions at issue to an international court or council of conciliation.

The *Final Report of the Committee on Taxation* appointed by Mayor Mitchel of New York City on April 10, 1914 was presented on January 5, 1916, and contains much useful material on the question of the untaxing of buildings and on various proposed sources of additional revenue in the form of income and personal property taxes together with increment taxes and super-taxes on land values. A valuable monograph in *The Exemption of Improvements from Taxation in Canada and the United States*, by R. M. Haig, Ph.D., instructor in economics at Columbia University, has also been published by the committee on taxation.

The Bureau of Municipal Research of New York City publishes in the January number of *Municipal Research* a series of articles on the general subject of "Responsible Government." The articles are followed by a memorial to the legislature of the State recommending an amendment to the existing law so as to provide for executive responsibility for the preparation of the annual budget and legislative procedure which will secure publicity in the consideration of the budget.

Federal Land Grants to the States, with special reference to Minnesota, by M. N. Orfield, Ph.D., which was published in March, 1915, as No. 2 of the *University of Minnesota Studies in the Social Science*, contains in addition to much historical and descriptive material a chapter on the authority of the federal government over the public domain. *Swamp Land Drainage* with special reference to Minnesota, by B. Palmer, M.A., appears as No. 5 of the same series and contains a chapter on drainage legislation in the several States together with judicial decisions relating thereto.

An enlarged edition of *Free Speech for Radicals* by Theodore Schroeder, published for the Free Speech League, contains an article on

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"Methods of Constitutional Construction" in which the author advocates the "synthetic method" of constitutional construction, by which is meant the co-relation of all provisions which limit governmental authority with the object of deducing the meaning of freedom in a concrete case.

A few phases of social legislation find treatment in the new *History of the Family as a Social and Educational Institution*, by W. Goodsell (New York, The Macmillan Co., 1915, pp. 588). Chapter xii deals with the family during the nineteenth century and discusses changes in the economic, legal and social states of women, state intervention in the control of parental rights, and divorce legislation during the nineteenth century.

The New York State Library has issued a useful pamphlet (Legislation Bulletin 41) on the subject of *Mothers' Pension Legislation in New York and Other States* by W. E. Hannan, legislative reference librarian. The tabular digest of mothers' pension laws of twenty-eight states (facing p. 20) makes accessible information upon a branch of social legislation which has been adopted by the States almost simultaneously within the past three years.

Mr. Maurice S. Evans, whose volume on *Black and White in South-East Africa* entitles him in advance to a hearing upon the race problem, has contributed to its solution a valuable study of the race problem in the United States from a South African point of view. In *Black and White in the Southern States* (New York, Longmans, Green and Co., 1915, pp. xii, 299) Mr. Evans presents the results of an extended itinerary in the Southern States, and after considering the negro question from the social, economic and political points of view the author sums up his conclusions in a chapter entitled "The Future" in which he offers many constructive suggestions. The volume closes with a brief critical bibliography.

Students of political economy will welcome the new and enlarged edition of Ingram's *History of Political Economy* (London, A. and C. Black, 1915, pp. xix, 315). Professor Ely contributes an introduction showing the value of Dr. Ingram's work as marking the beginning of a new period in the study of political economy in which the theories of the classical school were questioned in favor of a more humanitarian

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point of view. Prof. W. A. Scott contributes a supplementary chapter dealing with the work of the Austrian school and with recent developments in economic science in Germany, Great Britain, United States, France and Italy.

The relations between a railroad and the State which creates it and the action and reaction of legislature upon railroad and railroad upon legislature find interesting illustration in a *History of the Illinois Central Railroad to 1870* by H. G. Brownson Ph.D., published as Nos. 3 and 4 of Vol. iv of the *University of Illinois Studies in the Social Sciences.* Mr. Brownson first presents a sketch of Illinois in 1850 showing the circumstances which gave rise to the building of the Illinois Central which forms so conspicuous a portion of the state's history. Chapter ii deals with the land grant and charter and gives an interesting insight into the conflict between state policy and local needs. Subsequent chapters deal with the construction, traffic, and finances of the railroad, and with its effects upon the agricultural and industrial life of the State.

With the object of facilitating an intelligent understanding of modern problems of industry in relation to politics in Great Britain Mr. Cressy has published an *Outline of Industrial History* (London, Macmillan and Co., 1915, pp. 364). The greater part of the volume deals with the modern period and treats in turn of scientific and technical progress since 1870, facilities for commercial development, the evolution of industrial management, and industry and politics. It is a commonplace of criticism on industrial legislation, or the lack of it, that the general public has little understanding of what is needed and what is immediately feasible in that field. Mr. Cressy shows us modern British social legislation in its historical setting and enables us to comprehend its purpose and to estimate more accurately its possibilities of success.

The *Utilities Bureau*, which has been established as a nation-wide inter-city agency for bringing the combined ability and experience of American cities to bear upon the problem of public utilities, has published in its third number, January, 1916, the proceedings of the conference on valuation held at Philadelphia, November 10–14, 1915, under the auspices of the bureau. This conference was attended by a large number of the public service commissions of the country and was addressed by the principal leaders of thought in that field. The

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report covers 227 pages and contains papers on various aspects of valuation. Two important papers on "Constitutional Protection in Valuation" were read by Director C. A. Prounty of the Interstate Commerce Commission and W. D. Kerr of Chicago.

As a result of the National Conference of Charities and Correction held at Baltimore in May, 1915, a national committee for standardizing children's laws has been appointed and is preparing an extensive campaign for the appointment of a commission in each of the States to undertake the compilation of all laws affecting children. The proposed new codes will cover every subject relating to children, particular attention being paid to the administration of laws for children in counties. Missouri has led the way with a children's bureau which has prepared a synopsis of laws and suggested a standard outline.

Les Sciences Juridiques et Politiques by F. Larnaude (Paris, Librarie Larousse, pp. 75, price fr. 0.75) forms one of a series of brochures bound in two volumes under the general title *La Science Francaise* and published by the minister of public instruction on the occasion of the exposition at San Francisco. The purpose of the publications is to show the part which France has played in each of the separate branches of science and the present volume admirably fulfills its object. After a brief review of political science before and after 1789 the author discusses the great writers and their works in the field of public law, administrative law, criminal law, civil law, public and private international law, the history and philosophy of law, and Roman and canon law. A bibliography of some 300 titles completes the volume.

With the increased interest in Latin American affairs the "*Brief Bibliography of Books in English, Spanish and Portuguese, Relating to the Republics Commonly Called Latin-American with Comments* compiled by P. H. Goldsmith, director of the Pan American division of the American Association for International Conciliation, will prove of distinct value. The compiler unfortunately found it necessary to confine himself to listing only such books, some widely advertised and others of greater merit but less well known, which could be readily obtained in the libraries of New York City; and the haste with which the list was compiled has resulted in several serious omissions. The critical comments which are the sole justification for the bibliography are often scathing and somewhat flippant, not "slightly censorious" as the compiler describes then.

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A referendum association has been formed in the District of Columbia whose object it is to keep in touch with the committee on the district and to call for a referendum on all important congressional proposals affecting the interesting of the association or of the city at large.

The Maryland Industrial Accident Commission has presented its first annual report (77 pp.) for the year November 1914 to October 1915. The report is drawn up by H. C. Hill, secretary of the commission, and contains the important rulings of the commission. The Oregon Industrial Accident Commission has also presented its first annual report (44 pp.). The Iowa Department of Justice has published a collection of legal opinions on various phases of the Iowa workmen's compensation act, the constitutionality of which has been recently upheld by the Iowa supreme court. Workmen's compensation legislation of 1914 and 1915 has recently been compiled and published by the Bureau of Labor Statistics of the United States Department of Labor in bulletin No. 185. This has been followed by bulletin No. 186 covering labor legislation of 1915.

Volume II of the monographs upon the government of Iowa, which Prof. Benjamin F. Shambaugh is editing under the title *Applied History*, contains a number of important articles upon public problems. Such subjects are considered as the reorganization of state government, home rule, direct legislation, equal suffrage, selection of public officials, the merit system, child labor legislation and poor relief. The series constitute a survey of Iowa government in all its branches, much of it interesting in other States as well.

Social Adaptation, by Lucius Moody Bristol, Ph.D, (Cambridge: Harvard University Press, 1915, pp. xii, 356) a work which was awarded the David A. Wells prize for 1914–1915, is a history of the doctrine of social adaptation in its various forms. It begins with Comte's positive philosophy and ends with a consideration of such latter day economists, sociologists, and psychologists, as Patten, Ross and Baldwin. In conclusion the author proposes a social philosophy which he calls social personalism. In general, the work may be described as a contribution to sociology, with the usual traits of subjectivism and logomachy, but possessing more than ordinary merit as a history of ideas.

The Proceedings of the Ninth Annual Conference of the National Tax Association (Ithaca, N. Y.: Nat. Tax. Assn. 1915, pp. 514) contain as

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usual a large number of papers dealing both with the financial and economic principles of taxation and with the administrative methods of assessing and collecting the States' revenue. The separation of state and local revenues comes in for special attention. The annual address of the president of the association, Prof. E. R. A. Seligman, was entitled *The Next Step in Tax Reform*, and is devoted to a consideration of the shortcomings of a classified property tax, and to the advocacy of the substitution of income for property as a basis of taxation—for state and local purposes. If this is done, however, Professor Seligman points out that the federal income tax should be kept low.

International Law Notes is the title of a new monthly bulletin which, according to its announcement, will contain short articles dealing with questions of academic interest to international lawyers, but chiefly with public matters of practical interest to practitioners in private international law. "It will contain short reports from the various continental countries, the Americas, the British oversea dominions, and English and foreign colonies, chronicling from time to time any important and any legal discussions of international interest, it will also contain news likely to be of interest or service to practitioners, recording the activities of international law associations and international lawyers and practitioners—announcing the publication of any works published either in England or abroad likely to be of interest. Supplements will be issued from time to time dealing with important legislation of different countries, which will be issued at prices commensurate with the nature of the literary work involved and the size of the supplement." The first number of the *International Law Notes* bears the date of January, 1916. The annual subscription for Great Britain and abroad is nine shillings, sixpence. The English publishers are Stevens & Sons, Ltd., London, and the American agents, Baker, Voorhis & Co., New York.

The Great War, Causes of and Motives for, by G. H. Allen, Ph.D. (Philadelphia, Geo. Baries' Sons, 1915, pp. xxx, 377) is deserving of mention among the numerous war books on the market because of its well balanced narrative of the historical background of the war and of the negotiations immediately preceding it. The text is accompanied by nearly a hundred illustrations of persons and places, including a number of maps, and the book-making is of an elaborate character; but though popular in form the volume has intrinsic merit and the

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author's judgments upon a number of difficult questions of diplomacy are scholarly and convincing. Further volumes in the series will deal with the moral forces underlying the conflict and the physical resources of the nations, and with the outbreak of hostilities and the military operations of the war.

In spite of its propagandist character the *Brewers' Year Book for 1915* (New York, 50 Union Square) contains a number of useful references upon various legal aspect of the liquor question. The report of the Vigilance Committee summarizes the legislation adopted in 1915 throughout the several States and gives special attention to the effect of prohibition upon the finances of the States. A number of articles comment upon the effect of prohibition in the warring countries, while others review the situation in New Zealand, Sweden and Iceland where special forms of prohibition have been tried. The question of the right of owners of breweries to receive compensation for the loss of their property by reason of prohibition laws is discussed at considerable length and comparison is made with the British attitude upon the question to show the injustice of the decision of the supreme court in Mugler vs. Kansas. An appendix contains tables of statistics relating to the production, distribution and consumption of liquor.

Two valuable studies of railway problems have recently appeared in the Columbia University *Studies in History, Economics and Public Law. Railway Problems in China*, by M. C. Hsu, Ph.D. (vol. lxvi, no. 2), is an attempt to present the important economic and political problems of railway development in China which have arisen chiefly in connection with the loan agreements with foreign powers by means of which most of China's railways have been built. Chapter iii deals with the struggle of foreign financiers for railway concessions, while succeeding chapters discuss in turn the foreign railways, railways built with foreign capital, the provincial railways and finally those built by the central government. Chapter ix deals with "International Coöperation" and takes up among others the question of American participation in the building of the Hukuang railways. A final chapter discusses the Manchuria railway problems and the clash with Japan over the control of the economic development of that section. *Railway Monopoly and Rate Regulation*, by R. J. McFall, Ph.D. (vol. lxix, no. 1) is an excellent study of the general principles involved in rate regulation upon the basis of cost-of-service taking the rate system as a whole. Chapter i discusses the reasons for regulation due to public

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interest in the rates charged, the monopolistic character of railway enterprise, the valuable privileges conferred by the State upon railways, and other factors. Chapter ii treats of valuation as a criterion of railway ability to supply service, and furnishes a careful comment upon the difficulty of the task, the legal aspect of valuation and the various bases suggested for valuation, the author considering the cost-of-reproduction-less-depreciation as the fairest basis. Chapter iii takes up the second of the two elements of rate regulation suggested in Smyth vs. Ames, viz. what is to be considered as a "fair return" upon the value of railway property when ascertained. The author shows that no definite rate of return can be fixed owing to variations in the conditions of different railways, yet in general the returns must be sufficient to be attractive to new investors without whose capital the railroads could not expand to meet new demands for service. The study is commended as a piece of sound and convincing reasoning upon a difficult subject of legislation in which there is need of much caution.

American Government and Majority Rule, by Prof. Edward Elliott of the University of California (Princeton University Press, 1916, pp. 175, price $1.25) is an interesting sketch of American political development written with the object of pointing out the fact that the American people have been hindered in the attainment of democracy by the form of government through which they have been compelled to act. From a mistaken view of popular government the framers of the Constitution undertook to prevent the tyranny of the majority by a system of checks and balances and of limited and delegated powers which has resulted in acknowledged inefficiency and which has made it possible for political leaders readily to thwart the will of the people. The first chapters of the book are devoted to a discussion of the development of popular control of government in the United States, while the sixth chapter, to which the others are directed, offers suggestions for the purpose of advancing "the simplification of government." The initiative, referendum and recall have been found to impose too heavy a burden upon the voter, whereas the commission type of city government indicates to us the true goal of democracy in the concentration of authority in the hands of a few persons over whom it is possible for the people to exercise immediate control. In applying the commission form of government to States the author suggests the concentration of authority in the hands of a governor and cabinet, a coördination of the executive and legislative branches, the abolition of one house of bicameral legislatures, and the adoption of the short ballot.

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One of the most difficult problems of industrial combination with which the department of justice has had to deal is handled in the volume entitled, *The Commodities Clause*, by T. L. Kibler, Ph.D. (Washington, Jn. Byrne, 1916, pp. 178). The author gives a detailed account of the history and present status of railway and coal mining relationships in Europe and America, and this is followed by a careful analysis of federal legislation and the judicial decisions arising out of it. In conclusion the author offers a number of constructive suggestions based upon a consideration of concrete cases where the principle of dissociation has been actually applied. He is in favor of a leasing system in the case of coal mines owned by the State, and insists that no plan of regulation, such as by a federal commission, can be effective until the railways have been separated from the mining industry. To make this dissociation more complete the author has drafted several additional clauses amending the interstate commerce act and subsequent legislation.

Among the many volumes of an apologetic character in defense of Christianity in the face of warring Christian nations, Archdeacon William Cunningham's volume, *Christianity and Politics* (Boston, Houghton Mifflin Company, 1915, pp. 271) will be of special interest to those who know the author's earlier, *Christianity and Economic Science*. The present volume consists of a revision of the Lowell lectures delivered by the author in 1914, and is an attempt to examine the differences of opinion of the different bodies of Christians as to the mode of bringing Christianity to bear upon political life. The doctrines of Roman Catholicism, Anglicanism, Presbyterianism and the Independent Churches are considered in turn and the relations they attempted to establish between church and State are criticised. Following those chapters is a general consideration of "religion and public spirit," "humanitarianism and coercion," "class interests and national interests" and "Christian duty in a democracy." It is at times difficult to determine the author's own attitude and to select from abundant criticism some constructive plan; in general he appears to hold that religion should refrain from attempting to enunciate maxims which give direct guidance to political communities, and that it would do well to exercise to the full its unique power for dealing with the heart and conscience of individual men and thus bring its influence to bear upon society as a whole. In an appendix the attitude of the Church toward war is discussed at considerable length.

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In its endeavor to promote friendly relations between nations the Carnegie Endowment for International Peace through its division of intercourse and education has made use of the medium of international visits of representative men who seek to build up a spirit of international sympathy and to develop mutual understanding between the nations. Accounts of visits to Japan have already been noticed, and these are now followed by a volume entitled, *For Better Relations with our Latin-American Neighbors* (Washington, 1915, pp. 186), describing a journey to South America by Robert Bacon. After a brief mention of the places he visited and of the official personages by whom he was entertained Mr. Bacon presents in an appendix a translation of the addresses delivered by himself and his hosts at the various receptions tendered to him. While the tenor of these addresses is much the same in each of the countries visited and while it is well known that official utterances of this kind must be heavily discounted, nevertheless it is not difficult to read between the lines and see evidences of a desire on the part of Latin-American countries to meet the United States half way in any proposals to bring the northern and southern republics into closer relations of friendship and commerce. Such projects as the American Institute of International Law with its subordinate national societies of international law, national societies of international conciliation similar to those formed in this country and in Europe, and the proposed Academy of International Law at the Hague, by bringing the leading jurists of the continent into personal contact cannot but help to dispel on the one hand our ignorance of South American culture and on the other the lack of confidence of the South in the political policy of the North.

The need of elementary law books compiled with the object of giving the student a bird's-eye view of the law has been further met by the publication of a revised edition of Fishback's *Manual of Elementary Law* by A. B. Hall (Indianapolis, Bobbs-Merrill Company, 1915, pp. xxxi, 515). The volume follows the lines of legal instruction common in many law schools and treats in turn of the nature and sources of the law, the law of torts, criminal law, the law of property, contracts, partnership and corporations, principal and agent, domestic relations, public law, and courts, remedies and procedure. Like Clark's *Elementary Law* the classification of the subject matter is based upon practical convenience rather than upon a scheme of jurisprudence as in Robinson's *Elementary Law*. An excellent little volume along somewhat different

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lines and written for British readers is Geldart's *Elements of English Law*. There is still room for a more imposing treatise which will present elementary legal principles in their historical setting and trace the relation between them aud the social life of the State, leaving it to text books upon individual subjects to present the details of the law. The serious objection to a summary statement of general principles is that the student is inclined to accept them as final, when they are in reality only half truths until they have received their proper qualification. The bald statement that "a neutral is bound to abstain from giving aid to the belligerants" (p. 497) cannot for lack of definiteness convey a true idea of the law.

Impartial critics must concede that American journalism has won a distinct triumph when one of its weeklies can present a record such as that of the New York *Nation* in the volume by Gustav Pollack entitled, *Fifty Years of American Idealism* (Boston, Houghton Mifflin Company, 1915, pp. viii, 468, price $2.50). Part I is a contribution by Mr. Pollak on "The Nation and its Contributors," which appeared in briefer form in the semicentennial number of the *Nation* (July 8, 1915). Part II reflects the spirit of the *Nation's* comments, from year to year, on important questions of the day and contains many papers of great interest. An article on Chief Justice Chase comments upon his unfortunate ambition to be nominated as Democratic candidate for the presidency; an article written in 1877 on "Our Mexican Troubles" is an appropriate comment upon present conditions; the article on "The First Six Months of President Cleveland's Administration"might well have been written in the fall of 1913; the article in 1907 on "Working up a War" is a noble protest, worthy of a journal with anti-militaristic traditions. Part iii consists of a number of representative essays on various subjects: "Neutrals and Contraband" is a strong and logical argument in the presence of the Franco-Prussian war against the right of a belligerent to impose upon neutrals the duty of preventing their subjects from engaging in contraband trade, while "The Morality of Arms-Dealing," written in 1871, shows the inconsistency of those who admit the right of a nation to furnish supplies of arms to other states which are preparing for war, yet who assert that the moment war breaks out the neutral, in continuing to furnish such supplies, is guilty of a crime against humanity. "War and the preparation for war," says the writer, "are parts of one great transaction, which must in the forum of morals stand or fall as a whole." Whether the reader agree or not

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with the opinions expressed in so wide a range of editorial comment upon current questions, he must nevertheless lay aside the volume with a sense of admiration for the consistency with which the *Nation* has pursued through fifty years its policy of judging of men and affairs according to its high standard of political morality.

In a new volume entitled *Leading Cases on American Constitutional Law* by L. B. Evans (Chicago, Callaghan and Company, 1916, pp. xxix, 445, price $2.75 net) the editor has endeavored to meet the needs of students in law schools, who give a relatively small portion of their time to constitutional law, and of college and university classes in government and constitutional history. With this object in view greater emphasis has been placed upon those branches of the subject in which new questions are coming up than upon those in which the law is fairly well settled. Some few subjects, such as eminent domain and bankruptcy, have been omitted altogether for the sake of fuller treatment of other subjects. By contrast with McClain's *Cases* and the successive editions of *Selected Cases* by Barnes and Milner, the editor abandons the order of subject matter as presented in the constitution and adopts an arbitrary classification by topics. At the head of each section, however, the pertinent clause of the Constitution is reprinted. It must always be a question as to just which decisions of the supreme court embody an application of the law which may be taken as a general rule apart from the particular case in hand. Nothing could be more misleading than to offer the student a series of illustrative cases without repeated warning of their limited value as showing the application of a general principle to certain specific facts. This danger is largely obviated in the present instance by a series of footnotes which the editor has appended to most of the cases and which will prove extremely valuable in directing the attention of the student to other phases of the subject. The notes contain comment on the importance of the decision, citation of related cases in which the same principle has been applied, with occasional reference to legal literature bearing upon the particular topic; they give a unique character to the collection and will materially aid the instructor in adapting the volume to the use of more or less advanced classes.

In a *History of the Democratic Party Organization in the Northwest, 1824–1840*, (Columbus, Ohio: The F. J. Heer Printing Company, 1915) Dr. Homer J. Webster of the University of Pittsburgh describes the

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genesis of the convention system of nomination and the committee system of party management in the States of Ohio, Indiana, Illinois, and Michigan. He traces the coördination and extension of organizations from the county and township "meetings" and committees of "correspondence" and of "vigilance" to the elaborate district and state organizations and the choosing of delegates to national conventions. The new system was welcomed in Ohio as a means "to prevent the few from imposing on the public by holding secret meetings to get themselves or friends into office;" but in Illinois where organization was slower it was at first considered a "Yankee contrivance . . . depriving each man of the right to vote for a candidate of his own selection and choice," a characterization which, in this era of "direct" methods, has a familiar ring. The monograph is one of the Ohio Archaeological and Historical Society publications.

In a volume entitled *Les Institutions Politiques de l'Allemagne Contemporaine* (Paris: Félix Alcan, 1915, pp. 271) Prof. Joseph Barthélemy has subjected to acute analysis the constitution of the German empire and its constituent states with a view to determining in how far they may be said to make provision for popular or truly representative government. Though written with a clear *parti pris*. the volume is a substantial contribution to political science. The reviewer is not acquainted with any other work which brings out as clearly that German constitutional theory as well as practice has never committed itself to the proposition that public opinion, whether expressed through elected representatives, or otherwise, should be permitted to exercise a decisive influence in determining the policies of the state. The constitutions of most of the states of the empire contain definite expressions regarding the exercise of the suffrage which limit the popularly representative character of the elective chambers, and these chambers, when elected, are given no powers which make their control of dominant importance. The members of the imperial reichstag are selected upon a popular basis, but the significance of this is greatly lessened by the manner in which seats are distributed, by the influence which the "government" exerts in elections, and by the relatively slight power the chamber possesses as compared with the Bundesrath. And of course there is the fundamental fact that the Reichstag was created and given a popular basis not so much to satisfy a demand for republican government as it was to give expression to that feeling of national Germanic unity upon which the empire itself was founded.

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DECISIONS OF AMERICAN COURTS ON POINTS OF PUBLIC LAW

JOHN T. FITZPATRICK
Law Librarian, New York State Library

Aliens and Nonresidents—License Tax to Fish. Ex parte Gilletti. (Florida, December 8, 1915. 70 S. 446.) The State may by the imposition of a license tax upon aliens and nonresidents, without denying to any person within its jurisdiction the equal protection of the laws, justly discriminate in favor of its citizens in regulating the taking for private use of the common property any fish found in the public waters of the State, where such regulations have a fair relation to and are suited to conserve the common rights which the citizens of the State have in such fish as against aliens and nonresidents. The equal right of all persons residing within a State, whether citizens or aliens, to labor therein, does not include an equal right of an alien to participate in the common property and privileges that are peculiar to citizens.

Blue Sky Law—Constitutionality. N. W. Halsey & Co. vs. Merrick. (United States, December 30, 1915. 228 Fed. 805.) The Michigan Blue Sky Law which prohibits the sale in the State of the stock or securities of any investment company until it shall have obtained the approval of the state securities commission, which is authorized to make any examination it may see fit of the business and property of the company at the company's expense and to withhold its approval if in its opinion a fraud would be worked upon the purchasers of such stock or securities, is unconstitutional as imposing a direct restriction upon interstate commerce in such securities. The fees to be paid, the delays imposed, and the large, often very large, expense in furnishing information and conducting examinations, amount to a practical prohibition of all small dealings in securities.

Charities—Regulation by Municipalities. Ex parte Dart. (California, February 3, 1916. 155 P. 63.) The occupation of soliciting contributious for charitable purposes may be regulated by municipal ordinance providing for reasonable supervision of the persons engaged, and for the application or use of the contributions received for the purposes intended; but a city ordinance creating a municipal charities commission which gives the commission arbitrary power to forbid any person from soliciting for charity regardless of his worth or fitness, is unconstitutional so far as giving such arbitrary power.

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Convict Labor—Right of Remuneration—Slavery. Anderson vs. Salant. (Rhode Island, January 25, 1916. 96 A. 425.) The provision for the leasing of convict labor is not in violation of the constitutional inhibition against slavery. The term "slavery" as used in the Constitution and the earlier statutes implies African slavery, and denotes that civil relation in which one man has absolute power over the life, fortune, and liberty of another, a slave being a person wholly subject to the will of another. This is particularly true in view of the long continued legislative acquiescence in the sentencing of convicts to hard labor. The employment of a convict upon the materials of the contractor does not change his condition as a convict into that of a slave either of the State or of the contractor and such a convict is not entitled to remuneration for his services from the contractor where he is legally serving a sentence under a proper commitment.

Courts—Jurisdiction—Comity. United States vs. Marrin. (United States, October 22, 1915. 227 Fed. 314.) Comity arises out of necessity. If a person be answerable to two different jurisdictions for offenses against the laws of each, it is a physical fact that he cannot be, at the same time, in the separate control of each. It is therefore necessary that one jurisdiction give way to the other for the time being. It is convenient and desirable that there be a rule by which it can be determined which authority shall make way for the other. This rule is that known as the rule of comity. It answers with courts and cabinets, in law and in diplomacy, substantially the same purpose which personal courtesies serve in the social relations of life. One of the principles is that the court which first asserts jurisdiction may continue its assertion without interference from the other.

Crimes—Committed Partly Within and Partly Without State. People vs. Zayas. (New York, January 25, 1916. 111 N. E. 465.) Under a provision of the penal law that a person who commits within the State any crime, in whole or in part, is liable to punishment within the State, it is not necessary that the transaction should constitute a crime under the law of the foreign State where parts of the acts are committed; it is sufficient that the transaction would be a crime under the laws of the State where the statutory provision is in effect.

Eminent Domain—Condemnation of Public Utility Property—Judicial Power. Marin Water Power Co. vs. Railroad Commission. (Cali-

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fornia, January 17, 1916. 154 P. 864.) Where the provisions of a state constitution declare the legislative power to confer jurisdiction upon the railroad commission plenary, and declare the commission to have such power to fix the compensation to be paid for property of any public utility acquired by public corporations as the legislature may confer upon it, an act empowering the commission on petition of any water district intending to take by eminent domain the property of any existing public utility to fix the compensation, is valid. The power given the commission is judicial; judicial power being the power to determine what shall be adjudged or decreed between the parties and with whom is the right of the case; determination of the rights of the individual under the existing laws; the ascertainment of existing rights; the determination of controversies between parties; the power to investigate, declare, and enforce liabilities as they stand on present or past facts and under the laws supposed already to exist.

European War—Judicial Notice of. United States vs. Hamburg American Co. (United States, January 10, 1916. 239 U. S. 466.) The United States supreme court takes judicial notice of the European war. Where a question has become moot because of the inevitable legal consequences of that war, the court will not pass upon such question. So, an action brought to dissolve a combination of steamship lines will not be decided at present where, because of the war, the steamship business between the United States and Europe has been interrupted and the renewal or re-creation of the combination in the future is merely problematical.

Extradition—Good Faith of Demanding Country. In re Lincoln. (United States, November 19, 1915. 228 Fed. 70.) It is not part of the proceedings nor of the hearing in the federal courts, upon a demand for the extradition of one charged with crime in a foreign country, to exercise discretion as to whether the criminal charge is a cloak for political action, or whether the request is made in good faith. Such matters are questions for the Secretary of State to determine, and it is for him to decide whether the foreign government may be trusted to live up to its treaty obligation and whether one extradited will not be tried or punished for a political offense.

Foreign Commerce—Power of Congress to Prohibit Importation of Foreign Articles. Weber vs. Freed. (United States, December 13, 1915.

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239 U. S. 325.) Congress has power to prohibit the importation of foreign articles including pictorial representations of prize fights designed for public exhibition. The fact that exhibitions of pictures are under state, and not federal, control does not affect this power of congress.

Indians—Control Over. Williams vs. Johnson. (United States, December 20, 1915. 239 U. S. 414.) Indians are wards of the nation and congress has plenary control over tribal relations and property. This power continues after Indians have been made citizens, and may be exercised as to restrictions upon alienation of real property allotments.

Municipal Corporations—Donation of Municipal Funds to State. City of Sacramento vs. Adams. (California, December 14, 1915. 153 P. 908.) The expenditure of municipal funds for other than strictly municipal purposes, even though for some other public purpose, is not authorized unless the power is clearly and unmistakably conferred on the municipality, but the State may confer such power as to any purpose which is fairly a public purpose, of benefit to the municipality. Under an act of the legislature authorizing a municipality to incur an indebtedness for the purchase of a site suitable for state buildings within the municipality to be donated to the State, the municipality may incur such indebtedness.

Municipal Corporations—Forest Preserve Districts. Perkins vs. Board of Commissioners. (Illinois, February 16, 1916. 111 N. E. 580.) The power of the legislature to create municipal corporations is practically unlimited. It may create any conceivable kind of a corporation it sees fit for the more efficient administration of public affairs and endow such corporation and its officers with such powers and functions as it deems necessary. For this purpose it may provide for the organization of corporations which embrace territory situated wholly within or partly within and partly without the boundaries of another municipal corporation. The formation of forest preserve districts whose boundaries may be coextensive with those of another municipality or which may embrace two or more municipalities for the acquisition, preservation and scientific care of forests, is entirely within the legislative power.

Municipal Corporations—Optional Charters. Cunningham vs. Rockwood. (Massachusetts, February 10, 1916. 111 N. E. 409.) The

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plenary power given by the Constitution to the general court to constitute city governments is not violated by a statute establishing four different types of city charters, one type of which cities may select for themselves as its voters decide to be best adapted to its needs, in place of the enactment of a special act whenever the city's government is to be changed. The constitutional provision does not apply after the change from town to city has once been made.

Mattresses—Use of Secondhand Material. People vs. Weiner. (Illinois, December 22, 1915. 110 N. E. 870.) An act prohibiting the use of secondhand material in making mattresses, quilts, or bed comforters, is void as depriving citizens of the lawful use of their property in a manner not injurious to others, since, while it would be proper to require that material be free from germs, and possible danger to health, the absolute prohibition of a useful industry where the danger can be dealt with by regulation is not justified.

Primary Elections—Political Party—Second Choice—Fees. Kelso vs. Cook. (Indiana, January 5, 1916. 110 N.E. 987.) The requirement of an oath of party allegiance from a challenged voter by the primary election law is not violative of the constitutional provision for a secret ballot, since the statute does not require the challenged voter to state specifically for whom he previously voted, but merely that he voted for a majority of the party's candidates. A political party is an association of voters believing in certain principles of government, formed to urge the adoption and execution of such principles in governmental affairs through officers of like beliefs. Provision for second choice voting in the primary election law does not violate a constitutional contemplation of a single vote by each elector, since primary elections are not contemplated by the constitutional provisions. A provision in such law requiring candidates to pay a fee equal to one per cent of the annual salary of the offices sought, is violative of the constitutional provision that the general assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

Public Utility—Public Use. State Public Utilities Commission vs. Bethany Mutual Telephone Association. (Illinois, October 27, 1915. 110 N.E. 334.) Aside from the statutory definition, the term public utility implies a public use, carrying with it the duty to serve the public and treat all persons alike, without discrimination, and it precludes the idea of service which is private in its nature, whether for the benefit

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and advantage of a few or of many. The words public use mean of or belonging to the people at large open to all the people to the extent that its capacity may admit of the public use. The public utilities commission has no jurisdiction over a mutual telephone association which under its charter has no authority to engage in public telephone service, or to devote its property to public use, but is organized for the private use of its members only, and not for profit. The number of members of such an association is immaterial.

Pure Food—Misbranding. Ex parte De Klotz. (Nebraska, December 3, 1915. 155 N.W. 240.) The prohibition against the misbranding of food packages, does not prohibit placing in a food package advertising matter in the form of a coupon exchangeable for certain articles and which has no appreciable weight and does not affect the healthfulness of the food.

Religious Liberty—Religious Instruction in Schools. State vs. District Board of Joint School Dist. No. 6. (Wisconsin, February 22, 1916. 156 N.W. 477.) Where a school board held graduating exercises in churches, and allowed various clergymen to deliver nonsectarian prayers at such exercises, but no compensation was paid for the use of the churches, or for the prayers, parents of school children, though violently opposed to the churches in the which exercises were held, were not deprived of their constitutional religious liberty. Nor did such action by the school board violate the constitutional inhibition against sectarian instruction in public schools.

Shipping—Release from Charter. The Athanasios. (United States, February 15, 1915. 228 Fed. 558.) A Greek vessel, chartered in a port of the United States by a charter party containing the usual exemption from liability for loss or damage occasioned by arrest and restraint of princes, rulers, or people, is released from the obligations of her charter, where before proceeding she is requisitioned by the kingdom of Greece for government service. It would seem that a court of admiralty of the United States should for political reasons refuse to entertain a suit by a Canadian corporation against a Greek vessel requisitioned for use by the Greek government.

Statutes—Construction. People vs. Chicago Railways Company. (Illinois, October 27, 1915. 110 N.E. 386.) The rule that in the interpretation and construction of a statute the intention of the legisla-

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ture is to be ascertained and given effect, does not permit the courts to consider statements made by the author of a bill or by those interested in its passage, or by the members of the legislature adopting the bill, showing the meaning or effect of the language used in the bill as understood by the person or persons making such statements.

Taxation—Exemption from. State vs. Baltimore and Ohio Railroad Company. (Maryland, January 13, 1916. 96 A. 636.) A charter granted to a railroad company prior to the constitutional provision of 1851 prohibiting the granting of irrepealable and unamendable charters and which exempted the railroad from taxation, is a contract between the State and the railroad company within the protection of the United States Constitution, Art 1, §10, and the immunity from taxation can only be modified by the State with the assent of the company.

Trial by Jury—Necessity for Presiding Judge. Freeman vs. United States. (United States, August 25, 1915. 227 Fed. 732.) Trial by jury in the primary and usual sense of the term at the common law and in the American constitutions, is not merely a trial by a jury of twelve men before an officer vested with authority to cause them to be summoned and impaneled, but it is a trial by a jury of twelve men, in the presence and under the superintendence of a judge empowered to instruct them on the law and to advise them on the facts, and to set aside their verdict if in his opinion it is against the law or the evidence. The continuous presence of the judge is essential, and another judge cannot lawfully be substituted for the one before whom the trial was commenced, during its progress.

Workmen's Compensation—Municipalities as Employers. Wood vs. City of Detroit. (Michigan, December 21, 1915. 155 N.W. 592.) The provisions of the workmen's compensation act, providing that certain municipal corporations shall constitute employers subject to the provisions of the act, does not violate the home rule provisions of the constitution, since the compensation act in its application to municipalities involves no right of local self-government, but declares a new public purpose for which taxes may be levied by the municipality. The provision giving private employers an election whether or not to accept the act while imposing it upon municipal employers does not deny equal protection of the laws, since the imposition upon municipalities works no invasion of private rights, as the burden assumed by such corporations is distributed on the community subject to be taxed.

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BOOK REVIEWS

The Monroe Doctrine: An Interpretation. By ALBERT BUSHNELL HART. (Boston: Little, Brown and Company. 1916. Pp. xiv, 445.

This volume is divided into seven parts with the following heads: The Original Monroe Doctrine, 1775–1826; Variations of the Monroe Doctrine, 1827–1869; The American Doctrine, 1869–1915; Present-Day Doctrines; Present World Conditions; Doctrine of Permanent Interest; and Materials on the Monroe Doctrine. It is the fullest, most critical, and most readable account of the Monroe Doctrine in all its important phases that has so far been written by an American. The recent work of Dr. Herbert Kraus, Die Monroedoktrin, exceeds it somewhat in length.

Professor Hart not only has positive views on most phases of the Monroe Doctrine, but he has a definite thesis to maintain. The thesis which he elaborates in this volume was first set forth by him in an article in the *American Historical Review* for October, 1901, entitled, "The Monroe Doctrine and the Doctrine of Permanent Interest." The author's contention is in brief that the theory of the two spheres of Europe and America no longer holds, and that the Monroe Doctrine fails to justify the most important phase of our Latin-American policy, namely, our recent advance into the Caribbean Sea. He would therefore substitute for the Monroe Doctrine the Doctrine of Permanent Interest, or more briefly the American Doctrine, that is, the doctrine that the United States has the right to safeguard its interests in this quarter of the globe just as other great powers act in defense of their vital interests elsewhere. In fact, he claims that this is what the Monroe Doctrine has practically meant since 1869, and his view is that whatever action we may decide to take as the leading American power should be based avowedly on our practical interests at the time rather than on such a vague and indefinite abstraction as he considers the Monroe Doctrine to be. The extension of American supremacy over Cuba, Porto Rico, the Dominican Republic, Haiti, Nicaragua, and Panama he considers inconsistent with the Monroe Doctrine. He

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apparently overlooks the fact that the Monroe Doctrine has never been acknowledged by the United States as in any sense a self-denying declaration. In fact, during the first half of the nineteenth century we repeatedly refused to bind ourselves not to annex Cuba.

After quoting at length from the address delivered by Senator Root on the Monroe Doctrine before the American Society of International Law, April 14, 1914, Professor Hart says on page 238: "Root's Doctrine does not cover the whole ground, nor does it explain or justify the various steps taken by the United States in the direction of coercing or weakening other American countries. It may stand as the last word spoken by an expert in international law and a trained American statesman. Its spirit comes nearer than any similar systematic presentation of the doctrine to a recognition of the duties of the United States. Nevertheless, the accuracy of the Root doctrine must be tested by the actual relations of the United States to the rest of America." Again on page 242 he says: "The simplest form of the doctrine is Root's nervous phrase, 'That the safety of the United States demands that American territory shall remain American,' but even that reduced form does not answer the question whether annexations by the United States are within the American Doctrine, against the American Doctrine, or outside the American Doctrine." These two passages show conclusively that Professor Hart is trying to find a doctrine that will explain everything in American diplomacy. As a matter of fact, the Monroe Doctrine defines merely one phase of our attitude toward Latin America, namely, our attitude toward European intervention in Latin America. Our attitude toward Latin America on other questions is not necessarily governed by the Monroe Doctrine. The Spanish War, for instance, resulted in the annexation of Porto Rico and in the establishment of a protectorate over Cuba, yet the Monroe Doctrine was not directly involved either in the causes of the war or in the results.

In his account of the history of the doctrine Professor Hart is more interested in setting forth the variations from the original declaration than in showing the development of the policy first announced by Monroe, and he appears to attach more importance to the spoken and written words of American statesmen than to the underlying significance of their acts. To many minds, certainly to the majority of men in public life, the Monroe Doctrine appears to have had a fairly consistent and logical growth, notwithstanding the occasional vagaries of those who have been charged with the formulation of our foreign policy. Professor Hart remarks that the Monroe Doctrine is "not a document or

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a policy but a national frame of mind." Many of his readers will doubtless differ from his point of view and from his conclusions, but they cannot fail to be interested in his discussion.

The book is carefully written and printed, and it contains apparently very few errors. For the word "neutrality" near the top of page 33 should be substituted the word "belligerency." The statement on page 134 in reference to the "Ostend manifesto" that Buchanan, Soulé, and Mason were authorized to suggest a policy with regard to Cuba is hardly accurate. On page 153 the reader is left under the impression that the concentration of American troops on the Texas frontier in 1865 was the sole cause of the withdrawal of the French troops from Mexico and the overthrow of Maximilian's government. As Bigelow's autobiography shows, Louis Napoleon was more influenced by the complications likely to arise out of the war between Austria and Prussia than by the situation in America. Professor Hart's statement on page 204 that Olney's position on the Venezuelan boundary dispute would have had more force if he had stood out boldly on the principle of "permanent national interest" and that "Monroe added no strength to his position" may well be doubted. His statement on page 293 that Hay's open-door policy "was accepted with brief delay by all the powers concerned, including Germany," though generally believed by Americans, is not borne out by the documents. As a matter of fact, the replies of several of the powers were evasive, and no agreement embodying the terms proposed by Hay was never signed by any of them. A noticeable omission from the book is the Roosevelt-Holleben interview of 1902 with reference to Venezuela, recently brought to light by Thayer, whose life of Hay is endorsed without reservation by Colonel Roosevelt in the *Harvard Graduates' Magazine* for January, 1916.

Notwithstanding Professor Hart's sometimes drastic criticisms of the Monroe Doctrine and its applications, he appears to be a staunch upholder of the policy, although he would prefer to make it more inclusive and to call it simply the American Doctrine. This is shown by the following statement: "When everything has been said that can be said about the changes in naval warfare, about the growing ease of sending a landing force to a long and undefended coast, and about the great distance of South America from every part of the United States—the fact remains that the present distribution of nations in America is not threatening to our peace or welfare; and that a group of European colonies would be a standing menace."

JOHN H. LATANÉ.

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The Challenge of the Future: A Study in American Foreign Policy. By ROLAND G. USHER. (Boston and New York: Houghton Mifflin Company. 1916. Pp. xxi, 350.)

This volume, like its predecessors, *Pan-Germanism and Pan-Americanism*, presents a picture in bold contrasts of black and white, while, as the author frankly states in the preface, "a true picture would be a rather confused blur of different shades of gray, which melt into one another with here a shadow and there a streak of white." He justifies his method of treatment on the plea of clearness and emphasis. In the present volume, as in *Pan-Germanism*, the author displays great facility in gathering together the somewhat nebulous ideas that are floating around in the popular mind and giving them definite form and concrete expression. He possesses a brilliancy and lucidity of style which carries the reader forward with great ease and rapidity. Every striking idea or form of expression that comes to the author is set down in utter disregard of its conflict with other ideas and statements already set forth. The task of reconciling them would involve the ruthless sacrifice of high-sounding phrases and glittering generalities, and such a sacrifice the author is apparently incapable of making. He inserts a footnote occasionally where the inconsistency is too obvious to tell the reader that the one statement was made on one hypothesis and the other on another. To what he calls "academic accuracy" he has not thought it worth while to make any concessions.

Chapter 10 of *Pan-Germanism* filled students of American diplomacy with amazement and destroyed all faith in the trustworthiness of the secret sources of information on which Professor Usher so often intimates that his conclusions are based. In that chapter he claimed that the United States, England, and France had in 1897 arrived at a secret agreement which amounted to an alliance. Senator Lodge was quick to point out the absurdity of such a statement. In his volume on *Pan-Americanism* Professor Usher's conclusions were in brief that we would either have to abandon the Monroe Doctrine and other cherished policies or fight the victor in the European War. He therefore solemnly warned the American people to forego their present aims and ambitions or to prepare for the inevitable conflict. His readers were left in uncertainty as to which course he favored.

In the present volume he advances a new solution. He opposes armaments on the ground that it is impossible to distinguish between defensive and offensive preparations, and he advocates four lines of

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action: (1) an alliance with England (ignoring his earlier assertion that such an alliance had existed since 1897), (2) the abandonment of the Pacific to Japan, (3) the renunciation of the Monroe Doctrine so far as South America is concerned, and (4) the immediate policing and ultimate annexation of Mexico, Central America, and portions of the West Indies. This, we are solemnly informed on the cover, is "the first attempt to formulate an American foreign policy that will meet new conditions and save us the burden of huge armaments!"

JOHN H. LATANÉ.

A History of England and the British Empire. In four volumes. Vol. IV, 1802–1914. By ARTHUR D. INNES. (New York: The Macmillan Company. Pp. xxxv, 604. With maps.

Among general histories Mr. Innes's book is likely to be of singular usefulness because he has so fully implemented his title *A History of England and the British Empire.* The period comprised is from the peace of Amiens to the beginning of the war. The new era in British colonial history—the era that began with the American Revolution—falls in the main within this period; and there can scarcely be a deve opment of importance in the history of the oversea dominions, or of India that has not adequate treatment in Mr. Inness's pages. There are aspects of colonial development where a little more detail might seem desirable. It might have been well, for instance, if there had been some amplification of what responsible government has meant for Canada; of what Canada has gained in constitutional power and liberty in the three-quarters of a century since the united provinces of Ontario and Quebec secured responsible government through the liberality with which Sydenham and Elgin, as governor-generals, interpreted the act of union of 1840. But when a reader feels a desire for a little amplification here and there, he also realizes that Mr. Innes is writing the history of England as well as of the oversea dominions, the crown colonies and India since 1802. He appreciates that while no distinction of style characterizes Mr. Innes's work, and while occasional errors in dates and statements have crept into the book, the history is well-planned and well-balanced. Going through it from cover to cover, if the volume were kept within its present limits—562 pages—the only chapters that could be eliminated without loss to make room for any amplifications, are those assigned to literature. The attention that literature receives in any general history is seldom satisfactory. Literary surveys even in the best of general histories are scrappy and incom-

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plete. Mr. Innes's survey certainly comes under this description; for it consists of little more than an enumeration of the principal writers and books of the century under review.

Mr. Innes is obviously at his best when he is writing of politics and of industry; and as has been indicated his book stands out among general histories by reason of the comprehensiveness of his treatment of the oversea dominions and India. In his handling of colonial policy, he brings out with much clearness the old conception of British statesmen with regard to what have since developed into the oversea dominions. "At that time," he writes, in describing the formation of the Disraeli administration of 1874, "the British public in general, and the great majority of politicians, took it for granted that colonial policy meant educating the colonies or allowing them to educate themselves up to such a standard of political organization that they could set up for themselves as independent states whenever they might elect to do so, and that they were rather to be encouraged to take such a step, so as to reduce the world-wide responsibilities of the British Empire." Carnarvon, who was secretary for the colonies in the Disraeli administration of 1874–1880 was the first statesman to develop the new imperial idea. He looked forward to the day when the colonies should form a group of sister states, all self-governing, but united in one imperial family. Carnarvon, with the help of Froude, worked towards this ideal in South Africa. He was anxious for a union like that which came in 1908. But in 1877 there was no active interest in England concerning the oversea dominions. England was indifferent to Carnarvon's scheme for a South African federation. It was not acceptable, moreover, to Cape Colony and Natal. Consequently the scheme failed; and until Chamberlain was installed at the colonial office in 1895 England had no other colonial secretary who was animated by Carnarvon's conception of colonial policy or fired with zeal for carrying such a policy into effect.

Except as regards municipal life England of the period immediately preceding the great European war was largely the creation of the years between the second reform act and 1914. Mr. Innes realizes this, and devotes nearly two-fifths of his book to these forty-seven years. His survey of politics and legislation is particularly good, especially after the third extension of the franchise in 1884–1885, and the division in 1886 in the Liberal party on Gladstone's first home rule bill. Even before the Liberals were returned to power in 1906 there was some noteworthy legislation on liberal—almost democratic—lines; and Mr.

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Innes shows how much of this was due to the liberalizing influence which Chamberlain exercised on the Unionist governments of 1895–1905. In describing the legislation and the attempts at legislation of the Liberal governments of 1880–1885 and 1892–1895, Mr. Innes also emphasizes the new conception, developed by Salisbury, of the functions and powers of the house of lords.

His narrative of the abortive Bayard-Chamberlain treaty of 1888 is one of the places where a little more detail is desirable—enough to establish his statements that "left to themselves the United States threatened a commercial war with Canada which would have damaged them more than the Canadians;" and that a treaty was negotiated that "virtually ignored the Canadian claims, and conceded everything to the United States, although there was a general conviction that the case for Canada was very much the stronger of the two." Mr. Innes inferentially attributes the alleged ignoring of the claims of Canada to Chamberlain, who "had not yet come to be regarded as the creator and foremost champion of the imperial idea." Whatever basis there may be for the suggestion that Chamberlain was not vigilant for the interests of Canada, Mr. Innes overlooks the fact that the late Sir Charles Tupper was Chamberlain's associate at Washington in negotiating the abortive fisheries treaty of 1888; and there certainly was no statesman in any of the oversea dominions who was more possessed of the imperial idea than Tupper, nor with the exception of Galt, was there any Canadian statesman more everlastingly vigilant for Canadian interests, or more aggressive in asserting them, whether the case concerned Great Britain or the United States. Tupper was satisfied with the treaty; for on February 28, 1888, while the treaty was still pending in the senate at Washington, he assured Chamberlain that "we have much reason to congratulate ourselves and those we represent upon the result of our efforts." "The time is not far distant," added Tupper, "when the great services you have rendered to Canada and to the empire will be freely recognized and freely expressed."

Ireland's many agitations from the days of O'Connel to the government of Ireland Act of 1912–1914 are al well described by Mr. Innes. But all there is about Scotland in these 562 pages could be brought within a single page. In the 114 years from the beginning of the nineteenth century to the outbreak of the great war, Scotland was freed of the serfdom at its coal mines and salt pans that dated back to the seventeenth century. It emerged from a parliamentary system to which the word representation could not properly be applied. Its era of rule by a boss came to an end. Its municipal corporations were reformed.

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Its ancient convention of royal burghs took on new life and usefulness. It developed a school of municipal administrators not second even to those of England since 1835. It developed the greatest centers of steel shipbuilding in the world. It often gave the Whigs and Liberals their majorities from 1832 to 1886. It provided the house of commons at least with one speaker. It developed one of the best newspaper presses in the English-speaking world; and not to lengthen the catalogue of achievements, Scotland between 1886 and 1914 gave Great Britain three premiers. The writer of this note is not a Scotsman; but he looks forward to the time when Scotland will be fairly regarded by English historians as of the British Empire.

E. P.

Law and Order in Industry. By JULIUS HENRY COHEN. (New York: The Macmillan Company. 1916. Pp. xviii, 292.)

The agreement or "protocol" made in 1910 between the New York local unions of the International Ladies Garment Workers' Union and the Cloak, Suit and Skirt Manufacturers' Protective Association has received a large amount of attention. Exhaustive studies of the working of the agreement and of the peculiar problems of the industry have been published by the Bureau of Labor Statistics, and numerous magazine articles have discussed the merits of the plan. Mr. Cohen's book adds to the literature of the subject a connected history of the agreement interspersed with many interesting digressions on the larger questions involved in the relations between organized labor and capital.

Mr. Cohen has been counsel for the manufacturers during the entire life of the agreement, and is intimately acquainted with the events of which he writes, He has not, however, added much to the available information concerning the protocol. The chief interest of the book to students of trade agreements will be found, therefore, in Mr. Cohen's argument in favor of judicial determination as a means of settling trade questions. As is well known, the protocol differs from nearly all other important trade agreements in providing for a standing arbitration board. Most students of the subject have regarded the board as a temporary device, necessary, perhaps, in view of the extraordinary conditions in the trade, but to be dispensed with at the earliest possible moment. Mr. Cohen on the contrary, believes that the standing board represents an important advance in the means of settling trade disputes. He argues that it is only by such a device that "moral issues" such as the right of discharge can be permanently disposed of.

GEORGE E. BARNETT.

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The Recognition Policy of the United States. By JULIUS GOEBEL, JR. (New York: Columbia University. 1915. Pp. 228.)

Without showing marked evidence of original work, this volume presents the most elaborate discussion yet given of the policy of the United States with regard to the recognition of new states and of new governments—the recognition of belligerency is not treated.

Of the two chapters forming the first or introductory part of the book, the first outlines the accepted account of the development of the principle of legitimacy through its dynastic and monarchical stages to the point where in international law it developes into the principle of de jure government. The second chapter, in which the author, closely identifying recognition with the de facto theory, holds that "the recognition of governments is purely a formality" (p. 65), and that the recognition of states "is neither a right of the new state nor a free act on the part of the state which grants it" (p. 55) but is "inevitable" (p. 57), is a statement of modern German theory, as developed in particular by Jellinek. This chapter is, indeed, considerably marred by the forms of expression which are far more German than English. Such phrases as "the normative force which is contained in the purely factual" (p. 47) and "It is precisely this act which produces a legal community from the purely political de facto" (p. 58) are English translations of German rather than original English composition.

The second part treats of recognition in its application to this country during its establishment; in its application by us a little later to France, then to the revolted Spanish colonies, to Texas and to Hungary; in its application to a part of this country once more during our Civil War; and finally its application by us again since that war. With the exception of the civil war period, during which the author notes a reversion toward legitimacy, the principle of recognition of de facto authorities was slowly developed and finally established in our policy.

The fact cannot but be the occasion of surprise that the author does not in any way indicate indebtedness to F. L. Paxson's *Independence of South America: A Study in Recognition and Foreign Policy.* This book is listed in the author's extensive bibliography at the end, but no reference whatever is made to it. The three central chapters of the present book follow so closely the lines laid down by Dr. Paxson in his work from original materials, that if this work was familiar to the author, it is hardly conceivable that it was not of use to him.

ROBERT T. CRANE.

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The Industrial and Commercial Schools of the United States and Germany. A Comparative Study. By PROF. FREDERICK W. ROMAN. (New York and London: G. P. Putnam's Sons. 1915. Pp. xv, 382.)

During a period that is receiving many additions to the literature on industrial or vocational education, it is helpful to have at hand this volume by Professor Roman. He presents an extended account of the early appearance, organization and administration, and growth of the schools in Germany and in the United States which have supplemented the regular system of schools to the end of improvimg the industrial efficiency and economic welfare of those youths who do not pass on to higher education. By various means of study and inquiry, including careful examination of widely scattered literature, public documents, reports and announcements, personal visitation of schools, especially in Germany, and correspondence, the author has collected a large amount of special educational material. To this he adds economic and political, as well as educational, analyses which greatly increase the value of his labors to his readers.

The volume is an English adaptation, with "certain material additions," of the results gathered during an extended period of study and observation in Germany, and published, (apparently as a thesis), in 1910. Data of various German schools as recent as 1913, and of American schools as recent as 1914 are included. Of the twenty-one chapters, seven are given to the German continuation schools before and during the Empire; ten to the variety of schools of this general type in the United States, including those established by endowment, state aid and municipal appropriation, charity, and other agencies; four to a comparison of the outstanding features of these developments in the two countries, with special reference to the economic and political problems involved in the control and organization of vocational schools.

Readers of this journal are interested in the author's conclusion, which relates to the political function involved in this newer form of education. In modern states education is regarded as a distinct function of government. The legal control over, and maintenance of, "public" schools is an accepted practice. In the recent development of vocational education in the United States, due in part to a certain popular dissatisfaction with the established order of school work, the political issue raised centers in the question, whether, or not, we should have a dual system of educational control established by legislation:

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one system to be confined to the historic type of schools, the other to assume control over the new industrial or vocational schools, each system to be administered by a board independent of the other.

Professor Roman shows (pp. 340 ff) the error involved in the contention for a dual system by those Americans who cite, in support of their plea, alleged dual systems of educational control in the states of the German Empire, and concludes that the educational function of government in our states can be more efficiently discharged by a single school board, which shall include in its administrative duties the supervision of the coming vocational and continuation schools. The forms of government in Germany and in the United States are contrasted also with reference to their respective efficiency in making those educational adjustments which result in promoting the economic welfare of the two nations.

EDWARD F. BUCHNER.

Das Englische Prisenrecht. By CHARLES HENRY HUBERICH. (Berlin: Carl Heymanns. 1915. Pp. viii, 135.)

A distinguished lawyer of wide repute who has practised in this and other countries as well as Germany, once professor of law in an American university, Dr. Huberich is extraordinarily fitted to fulfill the double task he has undertaken of writing an account of English prize law in German and an account of German prize law in English.

The present volume represents the first half of tnis task. It is a treatise on English prize law as developed up to the end of April, 1915 with special reference to the laws and to the decisions of British and colonial prize courts issued since the beginning of the European war. The development of the English rules through legislation and decree consists chiefly in the extension of the definition of contraband and in its stricter penalization, modified, however, to a note-worthy degree by exemptions, by special arrangements, and by markedly different treatment of Germany on the one hand and of Austria-Hungary and Turkey on the other. The reports of the decisions of the British colonial courts in Australia, India, South Africa and Egypt are particularly interesting and useful. These relate especially to the Suez convention, the status of Egypt, the presumption as to knowledge of the outbreak of hostilities by a ship equipped with wireless, to neutral property in use on board an enemy ship, to goods unladen but within the port limits, and to hostile goods on a British ship.

The value of the work is greatly heightened by the fact that the au-

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thor has treated all questions from a purely legal point of view without permitting himself to enter the field of political discussion. The result is the production of a critical but apparently thoroughly impartial piece of work, in which the German bias that might possibly be anticipated is entirely lacking.

ROBERT T. CRANE.

Comparative Free Government. By JESSE MACY and JOHN W. GANNAWAY. (New York: The Macmillan Company. 1915. Pp. xviii, 754.)

This book by Professors Macy and Gannaway, of Grinnell College, is one of the series of *Social Science Text-Books* edited by Prof. Richard T. Ely, of the University of Wisconsin. By far the larger part of the book (549 pages) is devoted to American and English government. Forty-two pages are devoted to France, twenty-two to Germany, thirty-two to Switzerland, seven to the smaller states of Europe, and thirty-three to South America. The book closes with a chapter of ten pages on "Federation and Democracy."

The evident purpose of the authors has been to prepare a text-book for the college student just beginning the study of political science. They say in the preface: "The comparative study of government is particularly valuable for the student just beginning his work in political science." And again: "The authors of this book are firm in the belief that the basic course in political science should be comparative in nature."

Many instructors will, no doubt, prefer to begin their work in political science with a course based on a book covering the general principle of the subject, but a course based on a book "comparative in nature" would have some obvious advantages. It would be more concrete and more definitely informing. It is also probably true that the laws of political science would reveal themselves just as effectively in an indirect way.

On the whole, the authors have done their work well. The exposition is good and the material is well organized. The concrete analysis of governmental forms, however, is rather more satisfactory than the theory or the historical background.

The book impresses one at times as being somewhat thin and insubstantial. Professor Ogg's book on *The Governments of Modern Europe* is a magazine of facts, while the present volume sometimes tends in

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the opposite direction—a good discussion of the general principles without an adequate substratum of fact.

The treatment of American and English government is adequate for a book of this character, but the chapter on the government of the German Empire is rather sketchy and unsatisfactory. The treatment of the minor states of Europe is wholly inadequate. It is to be presumed, however, that the authors thought it advisable to give greater space to those governments which had made the most noteworthy advances in democracy.

The book is up to date in every respect and treats of many phases of recent development, such as the Federal Trade Commission of 1915. It is remarkable how soon a book on government gets out of date. The difference in this respect between the present volume and the latest edition of Bryce's *American Commonwealth*, for example, is marked.

As might be expected not all of the conclusions of the book will be accepted by the critics. Not every one would agree for example, that the electoral college was an "invention" of the constitutional convention (page 14). The proofreading has been remarkably well done but there is a typographical error occasionally, such as Dickenson for Dickinson (page 458), and Leckey for Lecky (page 497).

THOMAS F. MORAN.

Bibliography of Municipal Government. By WILLIAM BENNETT MUNRO. (Cambridge: Harvard University Press. 1915. Pp. ix, 416.)

Not since the work of R. C. Brooks of which the last edition was published in 1901 has there previously appeared a comprehensive bibliography in the special field of municipal government. During the last fifteen years, the only bibliographical sources available beyond short lists appended to text-books have been compiled from year to year by periodicals devoted entirely or in part to municipal topics, and during the past two or three years, the Public Affairs Information Service. The former of these sources have not been sufficiently complete; and the latter, being exhaustive, offers none of the advantages of discriminating selection.

To any one who is familiar with the peculiar difficulty of handling so huge a literature as that on municipal affairs, it is the selective, rather than the exhaustive, quality of such a work which will be most

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appreciated. The judgment with which choice has been made of references is fully confirmed by comparison with lists on specific subjects that have been most carefully prepared and tested by actual use in a municipal reference bureau. The materials included have been arranged in such manner as to be easily distinguishable for use by the general reader, the student or the specialist.

In spite of the care with which materials have been rejected, some 5000 titles are included—twice the number included in the less discriminating work of Brooks. They cover the whole range of municipal affairs and are so conveniently arranged according to subject, divided and sub-divided, that the exact materials wanted are easily located. Critical notes are often valuable. The work is excellently planned and excellently executed.

ROBERT T. CRANE.

American Municipal Progress. New and Revised Edition. By CHARLES ZUEBLIN. (New York: Macmillan. 1916. Pp. xiv, 522.)

One who has not read the 1902 edition of *American Municipal Progress* will not detect in the new edition those characteristics which prejudice one against the word "revised." This edition contains almost twice as many pages as the former edition. Of the 67 pages of bibliography less than 3 per cent of the entries bear a date as early as 1902, and scarcely any one of the 46 illustrations could have been used at that time. Therefore, this is really a "new" edition.

The author's primary aim in the book is "to indicate to civic and social workers, public officials, and intelligent citizens the vast scope of municipal activity today." In 26 chapters he treats in detail such problems as public utilities; health, police, and fire protection; justice and charity; schools and libraries; parks and city planning; social centers and public recreation; and municipal ownership and administration.

Mr. Zueblin does not discuss the organization of city government systematically but expresses a preference for the commission-manager type accompanied by preferential voting and direct legislation. He feels that the "grafter, the lame duck, the parasite, the tax dodger, the franchise seeker, and the apathetic citizen" are on the defensive and that positive progress is now possible. Therefore, he discusses almost every conceivable present-day municipal problem, usually cit-

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ing or describing one or two of the more spectacular examples. For instance, he describes the municipally built and municipally owned water system of Los Angeles which brings its supply 250 miles. "The water is brought by gravity through steel and concrete pipes and conduits, tunneling through mountains for five miles and crossing the Mojave Desert for 150 miles. In addition to providing the city with pure water the enterprise will reclaim more than 200 square miles of land near the city and develop 120,000 horse power of electrical energy. Sir Isaac Newton has been a long time coming into his own."

The book is most readable, as would be expected of a publicist, and the popular style of the book is enhanced by the use of a clever saying which follows each paragraph, such as the above reference to Sir Isaac Newton. It is really an appeal for municipal ownership, and Cleveland which has had its Tom Johnson and three cent carfare is much to the author's liking.

The author is thoroughly progressive, and his enthusiasm for woman suffrage results is this exaggeration: "The women have come off with flying colors in their first mayoralty election in Chicago. As large a a proportion of women as of men voted . . . . ." An exact statement would be that 41 per cent of adult women and 63 per cent of adult men voted for one of the four candidates for mayor. Having covered such a broad field and making use of thousands of detail facts there is naturally a slight inaccuracy here and there. For instance, on page 386 we find, "The city manager is an office created under the old division of functions in Sumter, South Carolina." Does not Mr. Zueblin mean Staunton, Virginia, where for constitutional reasons the manager was added to the bicameral mayor type of government?

The book should be read by every public spirited urban citizen and by every student of municipal government. If a class in *American Municipal Government* has time for only three books an instructor might well use Munro's *Government of American Cities* for the framework of city government, Munro's *Principles and Methods of Municipal Administration* for the Functions, and Zueblin's *American Municipal Progress* for Inspiration.

FRANK ABBOTT MAGRUDER.

The Diplomacy of the Great War. By ARTHUR BULLARD. (The Macmillan Company: New York. 1916. Pp. xii and 344.)

This little volume by a well known novelist and press correspondent at once takes its place among the distinctive additions to war literature

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which have recently been published. For a general account of all aspects of the subject the first volume of Allen's *The Great War* has just appeared; for the mobilizations there is Price's *Diplomatic History of the War;* for the immediate causes and the diplomatic correspondence, Headlam's *History of Twelve Days* and Stowell's *Diplomacy of the War of 1914;* for the general and remoter causes of the conflict, Gibbon's *New Map of Europe* in successive editions, and the writing here reviewed.

The book is divided into four parts, of which the first is an account of the history of Europe in the generation preceding. The author begins with the Congress of Berlin, which marks the culmination of Bismarck's policy and success, and the actual beginning of a new era. His description of the Congress, based upon Hanotaux's work, is one of the most striking brief accounts which I have seen. The development of the *Deutschtum*, which he takes back to the mighty stirring of German peoples when they shook off the mastery of Napoleon, is traced through the prosperity and greatness of the nineteenth century, until the author sees in it the dominating force in all recent European politics. Generous pride in their achievements, arrogant belief in their superiority over other peoples, implicit confidence in their future greatness and supremacy, and finally the opposition of non-Teutonic nations to the spread and hegemony of this *Deutschtum*—these are the leading motives in the struggle which culminated in the present disaster. This thesis, which is not new, seems in part to be very true; it has all been explained before in the writing of Usher and the impressive warning of Cramb; but I have not hitherto noticed so plain and explicit statement of it, nor seen it employed so completely as explanation of other events. No one denies that something of it is so, but how far is it so? In the opinion of the reviewer the entire matter is one of the unsolved problems and one of the important problems of contemporary history: to what extent has the *Deutschtum* thus portrayed taken hold of the mass of the German people; how far have the writings of Treitschke, Woltmann, Götte, and Bernhardi influenced the minds of their countrymen or represented that which they believed? Such a problem, perhaps, cannot be solved at present, but hereafter it will be well for some one to make careful study and exhaustive comparison of contemporary German literature with the fugitive writings of her publicists and leaders, and so attempt to give an answer. There is also account of the recovery of France, which I venture to think will one day be reckoned a phenomenon less brilliant, indeed, but almost as noteworthy as the expansion of Germany, together with the history of

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the Entente Cordiale, an admirable description of the Algeciras Conference and the Morocco crises, and finally the new grouping of powers in Triple Alliance against Triple Entente. The author confesses that his sympathy is principally with France, but he attempts to be scrupulously fair toward Germany, and frequently condemns the conduct of Germany's opponents.

The second part of the book has to do with the new elements of diplomacy, describing problems and ideals of those who direct foreign policy, and the changing ideas which are coming to influence their work. In the third part the author dealing with the liquidation of the war, abandons the realm of records and facts, to enter the province of those things which have not yet come to pass, but whose absorbing possibility so much leads people to consideration and discussion, that they may well be treated by a competent student of world affairs. He himself confesses that "Part III is pure hypothesis;" but since it contains, even though the problems be unsolved, a clear and thorough presentation of the factors, it is more valuable than such writing frequently is. If the allies of the Entente do not divide in the midst of their task, the author expects them to triumph over their enemies; but he looks to see them confronted with graver problems when they come to share such spoils as they have been able to make. If the Teutonic powers succeed, he prophesies a greater Germany dominating for a time the civilization of the world, and in the end transformed by it.

The fourth and concluding portion deals with present foreign relations of the United States. Complete separation from European affairs was never entirely possible, and recently the American government has been drifting more and more towards participation in the politics of the world, the author making some significant comments on our share in the Conference of Algeciras. In discussing present relations with Great Britain he condemns the arbitrary sea policy of that country with its unconcern for the rights of neutrals, but he sees continuous and greater danger arising from the fundamentally graver offenses committed by Germans. With respect to the military preparedness of the United States he thinks that our peril is magnified by authorities whose professional attitude leads them to take a sombre view; but in my opinion he shows little appreciation of the greatly changed circumstances which cause these critics to believe the danger now so much greater than formerly. Along with other constructive thinkers of the present he has some hope for avoidance of war in the future by increasing the control of democracy over foreign affairs; but

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most of the writing on this subject is characterized by generous optimism which gives all too little consideration to the difficulty of reaching its goal. He probably looks into the future better when he sees the hope of days to come rather in a change of spirit until people base even their national relations on sense of justice and not on consciousness of power.

The errors in the volume are inconsequential. The bibliography appended contains a list of books in English, French, and German, interesting and not likely to be known to the general reader. Altogether, I found perusal of these pages enjoyable and instructive.

EDWARD RAYMOND TURNER.

The Operation of the Initiative, Referendum, and Recall in Oregon. By JAMES D. BARNETT. (New York: The Macmillan Company. 1915. Pp. 295.)

The initiative and referendum have been adopted by American states on the *a priori* theory that the remedy for the faults of democracy is more democracy, and in some states these institutions have now been in operation long enough to provide data for inductive study. The task which Dr. Barnett has essayed is to exhibit the actual working of direct legislation, the character of its product, and the nature of its reactions. No state, with the possible exception of Wisconsin, has played the part of political laboratory more thorougly than has Oregon; and, because of the reputed vigor, intelligence, and public spirit of its "composite citizens," this western State seems well equipped for the testing of ultra-democratic devices.

Oregon adopted the initiative and referendum in 1902; and in six general elections and one special election its people have voted on sixty constitutional amendments and seventy-six statutes, the largest number of measures, thirty-seven, being submitted in the general election of 1912. "It is no reflection on the intelligence of the voters to say that it is absolutely impossible for them adequately to consider such masses of legislative proposals." A condition most favorable to the multiplying of measures has been the extreme ease of securing signatures to petitions. The "industry" of "petition peddling" has developed, circulators earning from three to ten cents a name; and, according to the author, "there is much evidence for the proposition that 'anybody will sign any kind of a petition.'" For the information of the voter a law of 1907 provides for a state publication known as

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"the voters' pamphlet," which to most voters is the only means available for getting a first-hand knowledge of proposed laws; but "probably not one person in hundreds reads the whole of the pamphlet or any considerable part of it even in a cursory manner, much less makes a thorough study of much of its contents." For guidance through the maze of legislative proposals the people depend largely on the advice of newspapers and of organizations, especially of the People's Power League under the leadership of W. S. U'Ren, of whom a newspaper remarks, "In Oregon the state government is divided into four departments—the executive, judicial, legislative and Mr. U'Ren."

Admittedly there are suitable and unsuitable subjects for popular law-making; and it is generally felt that "elemental" propositions, questions of policy or principle, are suitable, while "non-elemental" propositions, administrative or technical questions, are unsuitable. In the author's opinion, something less than half of the measures submitted in Oregon would classify as "elemental" and therefore suitable; while among the large number of "non-elemental" bills several have been highly technical, for example the initiative freight-rate law of 1912, "covering a subject to the consideration of which not even legislatures are adapted, much less the people."

That the Oregon voters are not over-eager to legislate is shown by the facts that on the average only seventy-three per cent of the total vote cast at an election is received by a measure, and that of the one hundred and thirty-six propositions submitted only fifty-one have been adopted. The people apparently take greater interest in matters of policy than in technical questions, and they have generally approved measures for the increase of the "people's power," designed to regulate corporations, or concerned with the administration of the criminal law. On the other hand, they have generally defeated propositions deemed hostile to the "people's rule," involving the expenditure of public money, or inimical to the labor interests, as well as tax reform and local measures. "All the most radical measures were rejected by the voters," but "on the whole it appears that the voters have shown a decidedly progressive attitude." In spite of errors, some ludicrous and some temporarily embarrassing, "it is believed that the results of direct legislation at least compare favorably with those of representative legislation."

The chapter on the recall is a revision of an article which appeared in the REVIEW in 1912.

Dr. Barnett's investigation has been painstaking and unprejudiced,

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and his discussion is supplemented by ample foot-notes and appendices. An excessive and sometimes confusing use of quotations is a minor fault of a book which is an interesting and valuable contribution to the study of democratic experimentation.

ARTHUR C. MILLSPAUGH.

Your Congress. By LYNN HAINES. (Washington, D. C.: National Voters' League. 1915. Pp. 160.)

To describe the aims and activities of the National Voters' League is the chief purpose of Mr. Haines' new book. Of these activities the first has been the investigation of the legislative methods of congress. and the formulation of a program of reform. Mr. Haines' analysis of congress at work is of unique value and has been discussed more fully in a previous article,[1] together with the effect upon the house and causes of the more immediate political and parliamentary changes —e.g., rules reform, reduction of size, proportional representation, and the elimination of "pork" and patronage. In addition, the author proposes certain institutional changes, one of which, the executive budget system, requires no comment here. The second, a constitutional amendment to Art. 1, Sec. 5, reducing the number of members whose request is necessary in order to get a roll-coll (at present one-fifth of those present), is important but needs little discussion. The establishment of electric voting would leave few non-political reasons against making roll-calls compulsory on all votes.

The significance of the third proposal, a constitutional amendment establishing a unicameral congress, lies not in its novelty, but in the fact that it is advanced by an organization whose character is professedly popular, and whose purpose is professedly practical. In other words, this represents a new step toward making a unicameral congress a political, instead of an academic, issue. Mr. Haines regards this measure as essential to the elimination of political horse-play between the houses, and of the secret, organization-controlled conference committee. A system of joint, instead of separate, standing committees might remedy the latter to a lesser extent.

That the accomplishment of any substantial reforms will require bitter fighting and the persistent pressure of enlightened public opinion is indicated by the flippant frankness and ill-concealed contempt with which Representative Henry of Texas, chairman of the rules committee,

[1] AM. POL. SCIENCE REVIEW, November 1915, p. 696.

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treated all proposals to amend the rules for the present Congress.[2] It is to the stimulation of such a public attitude that the second activity of the League is directed. It intends to give as wide publicity as possible to the current work of congress, by an annual book—*Your Congress* being the first—and by a monthly bulletin, *The Searchlight On Congress*, sent free to all members of the league.[3] "The mission of a voters' league is to learn the exact truth and report it back to the people,' (127)—to shatter the isolation of congress.

That public opinion may be organized as well as informed, it is proposed to establish nonpartisan, "balance of power" groups in the congressional districts, whose aim will be to elect to congress supporters of the league platform, thus forming an independent, "balance of power" group in congress. For effective work the "balance of power" attitude in the view of Mr. Haines, must be applied to legislation as well as to elections.

This "balance of power" idea suggests a commendable weapon for the accomplishment of the reforms supported by the league; the general tenor of the book, however, intimates that nonpartisanship should be further extended. The voters' league idea originated in Minnesota, where it was influential in securing the present nonpartisan system of elections to the state legislature. Thus is presented the question whether it is desirable to seek the extermination of party-organization. In spite of nonpartisan activity, especially in municipal government, the present tendency seems towards party solidarity—witness the Democratic caucus of today. If, then, party organization can be placed on a sound basis by the elimination of patronage and "pork," it would seem wiser to seek to mold the party organization to legitimate uses. The distinction between municipal government, where nonpartisanship may be not only desirable but successful, and national government is partly one of degree, but none the less real; for, the larger the unit of government, the more numerous and vital are questions of policy as distinguished from matters of business administration. Also, foreign policy is an additional factor in national government. Furthermore, the strongest objection to party politics in municipal government is that the parties are organized on national and not on municipal issues; but in national government national issues are the proper grounds of difference.

[2] *Congressional Record*, Vol. 53, No. 1, December 6, 1915.

[3] At election time a bulletin giving the record of each congressman on important legislation will be published; Bulletin III, of August, 1914, is an example, part of which is published as an appendix to this book.

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It may be argued that, once the spoils of office are eliminated, there will be no bonds of organization; but surely the interests involved in the real party issues of nationalism, regulation of competition, the tariff, and others, are vital enough to sustain an organization to advocate one or another set of policies. Of this the English parties are rough illustrations. With the perfection of a system of collective party-responsibility, and the increase of the nonpartisan electorate, party organizations would appear as rivals for the voters' support on the basis of national issues. The true desiderata thus seem to be, in brief: (1) the refounding of party organizations on the basis of differences of opinion, by the elimination of spoils; (2) the development of a system of party-responsibility in legislation, with the caucus and proportional representation; and (3) the growth of a nonpartisan electorate. Under a system of party-responsibility the election of men unaffiliated with a party organization would be practically impossible; there could be no "balance of power" group within the legislature, unless it were a third party. The real field, then, for nonpartisanship is in the electorate; and there it should be used to enforce collective responsibility upon party organizations, rather than to destroy them.

It is interesting to note that Mr. Haines recognized the inconsistency of urging a responsible executive budget, while advocating a nonpartisan legislature. "Having the President and his Cabinet . . . . assume responsibility for public appropriations may seem at variance with the position expressed in reference to partyism. But there is no other proper place for the responsibility to be placed. And this would have a tendency to make parties represent something vital to public welfare—the economies and efficiencies of government on its business side—whereas now their differences are only sham differences" (121). At present, however, because we have so slight a degree of party-responsibility, a "balance of power" group in Congress not only is possible, but should prove valuable as an expedient for attacking the present corrupting bases of party-organization.

In conclusion—though *Your Congress* is popular in tone, it has the meat of original and practical research in it, and with the monthly bulletin serves to keep information up-to-date on the current activities of congress as seen by experienced and impartial observers. Its popular character is in keeping with its purpose of showing to the individual citizen his own interests in efficient government. This book and the league for which it speaks are effective instruments for the much needed reconstruction of the governmental machine, the efficiency of which is

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an almost absolute prerequisite to any substantive social reform; they therefore merit the support of all good citizens, whatever their social creed. Let us get a good gun before we quarrel about what we ought to shoot.

WILDER H. HAINES.

Evolution of Law: Select Readings on the Origin and Development of Legal Institutions. Vol. I: Sources of Ancient and Primitive Law. Vol. II: Primitive and Ancient Legal Institutions. Compiled by ALBERT KOCOUREK, professor of jurisprudence in Northwestern University; and JOHN H. WIGMORE, professor of law in Northwestern University. (Boston: Little, Brown, and Company. Pp. xii, 704; xvii, 702.)

This work cannot fail to give a new impulse to the comparative study of the genesis and development of juridical institutions. In the words of the compilers, its "conscious purpose" is to "chart in broad outline the march of humanity in its effort to govern itself and work out its destiny." It affords precious materials for every one of the group of "social sciences." Especially is a thorough study of such materials needed by American lawyers. The book is "offered in the belief that the day is not far distant when the students of the law, the teachers of the law, and the examiners in the law will be dissatisfied with an equipment of knowledge which attempts only the dogmatic side, and neglects the universal, and even the specific historical background of legal institutions."

Doubtless the chief modern crisis in the study jurisprudence—not excepting the influence of Bentham who found English law a "gibberish and left it a science"—was the tremendous stimulus given by Sir Henry Maine, whose first great work, the *Ancient Law,* appeared in 1861. One of the most significant indirect results of Maine's researches was the rise of "institutional history" as the basic division of historical study. According to Maine, the "rudiments of the social state" are known to us "through testimony of three sorts—accounts by contemporary observers of civilization less advanced than their own, the records which particular races have preserved concerning their primitive history, and ancient law." Or these three sources of information, he regards ancient law as the best. He failed to appreciate the true value of the first source, from which, obviously, are derived most of the data of ethnical, anthropological, and sociological investigation, including

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much that Maine himself has presented. Since his day, of course, the mass of materials of this sort, as well as of the other kinds, has vastly increased; and from this mass Professors Kocourek and Wigmore have selected with unerring judgment.

Drawn from the translations or other writings of thirty-five experts, the sources constituting the first volume are classified in four parts. Part I, in six chapters, consists of references to ancient and primitive law and institutions found in *General Literature*, including passages from the *Iliad* and *Odyssey*, Plutarch's *Lives*, Caesar's *Commentaries*, Tacitus's *Germania*, and the *Njals Saga*. Part II, also in six chapters, comprises "Modern Observations of Retarded Peoples," by Spencer and Gillen, Murdoch, McGee, Powell, Dugmore, Warner, and Sarbah. A broad basis for Comparative study is laid in the "Ancient and Primitive Laws and Codes" constituting the ten chapters of Part III. In the most authoritative translations here are given, in whole or in part, the "Ancient Accadian Laws," the "Code of Hammurabi," the "Pentateuch," "Edict of Harmhab," "Laws of Gortyn," "Twelve Tables," "Laws of Manu," "Lex Salica," "Aethelbirht's Dooms," and "Laws of Howel Dda." Of unique value and of fascinating interest are the "Ancient and Primitive Legal Transactions" contained in the two chapters of Part IV, pp. 555–702. Here, for example, one may read a "conspiracy case" under Rameses III, a Babylonian "Lawsuit Concerning a Slave," an Egyptian "Marriage Contract," or the "Will of Sennacherib."

The second volume, on "Primitive and Ancient Legal Institutions," consists, not of codes or documents, but of extracts—sometimes whole chapters—from the authoritative works of twenty modern scholars. Its four parts, in thirty-one chapters, offer a wealth of research and interpretation which must surely stimulate further study, particularly university study, in this field.

The "Introduction" contains discussions of the "Evolution of Law" by Josef Kohler; "Ethnological Jurisprudence" by A. H. Post; "Origin of Legal Institutions" by Gabriel Tarde and Paul Frédéric Gerard; "Universal Comparative Law" by Georgio Del Vecchio. Part I is devoted to "Law and the State," including the discussion of "Forms of Social Organization" by J. W. Powell; "Evolution of the State" by Josef Kohler; "Omnipotence of the Ancient State" by Fustel de Coulanges; "Chieftainry and Kingship" by Josef Kohler and Fustel de Coulanges; "Religion and Law," by the same two writers and by Sir Henry Maine; "Evolution of Criminal Law" by Richard R. Cherry,

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L. T. Hobhouse, and Ellsworth Ferris; "Forms of Law" and "Methods of the Law's Growth" by Sir Henry Maine.

The general subject of "Persons" is considered in Part II. Here "Kinship" is treated by J. W. Powell; "The Patriarchal Theory" by George Elliott Howard; "Patria Potestas" by Sir Henry Maine; "Women in Primitive Society" and "Women and Marriage under Civilization" by L. T. Hobhouse; and various other subjects by Andrew Lang, Rudolph Sohm, J. W. Powell, and Fustel de Coulanges.

Parts III and IV respectively treat of "Things" and "Procedure." For a great variety of subdivisions, passages are taken from the writings of G. L. Gomme, Levin Goldschmidt, Carl Koehne, Felix Somlo, B. W. Leist, Pol Collinet, Andreas Heusler, Stanley A. Cook, Gustave Glotz, John H. Wigmore, and some of the scholars already mentioned as contributing to the earlier divisions of the work.

The book is printed in handsome style; and the compilers have rendered a distinct service to scholarship in many related fields. The third volume, on "Formative Influences of Legal Development," will be eagerly awaited.

GEORGE ELLIOTT HOWARD.

Imperial Architects. Being an account of proposals in the direction of a closer imperial union, made previous to the opening of the first colonial conference of 1887. By ALFRED LEROY BURT. With an introduction by H. E. Egerton. (Oxford: B. H. Blackwell, 1913. Pp. vii, 228.

Mr. Burt's *Imperial Architects* was written at least a year before the war began; but it is essentially one of a few books on political science published in England before war became the all-absorbing interest to which additional value has accrued in consequence of development brought about by the war. The war was not more than two or three months old before discussion began in England and in the oversea dominions as to the relations of the dominions to Great Britain in the new era that will begin with the end of the war. Closer trade relations are so far being most discussed. There is, however, some discussion of closer political relations than have existed since all the larger colonies were conceded responsible government in the middle period of the nineteenth century. In view of the wider and more insistent discussion of this question which will certainly come at the end of the war, Mr. Burt's *Imperial Architects*—a study of the rebirth of the move-

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ment for closer political union—is likely to be of much greater service than he conceived when he first turned his attention to the subject. As far back as 1868, at the time when the Royal Colonial Institute was established in London, the then Duke of Marlborough suggested an imperial council; but it was not until 1887 that representatives of Great Britain and of the oversea dominions met in general conference to discuss the relations existing between Great Britain and the dominions, and to plan for making these relations closer.

The first colonial conference was held in connection with the first jubilee of Queen Victoria about forty years after the united provinces of Ontario and Quebec had blazed the trail for Australia, New Zealand, and South Africa, by securing the right to an executive that must depend for its existence upon a majority of the popularly-elected branch of the local legislature. A new era began with the colonial conference of 1887; and since then there have been three imperial conferences—in 1897, 1907, and 1911 and a fourth was due to meet in 1915. The records of these conferences are now available in official form; and the value of Mr. Burt's book lies in the care with which he has worked out the history of the movement for closer union in the period that lies between the American Revolution and the first colonial conference. The movement began as early as 1822, when John Beverley Robinson, who figures quite prominently in the early history of Ontario, urged as a remedy for conditions then existing in Canada that Ontario and Quebec should be united, and that the united provinces should be represented by one or two members in the House of Commons at Westminster. Robert Lowe, afterwards Lord Sherbrooke, made a similar suggestion with regard to the Australian colonies in 1844, when he was of the legislative council of New South Wales; and in 1852 John Robert Godley, who was associated with Edward Gibbon Wakefield in the colonization of New Zealand, urged an imperial congress. Two years later Joseph Howe, of Nova Scotia, put forward his plan for an imperial union. Labilliere suggested an imperial parliament in 1871; and in 1872, Disraeli, who had lost his fear that oversea possessions might become a millstone about the neck of Great Britain, committed the Conservative party to an imperial policy, and formulated the idea that a representative council should be established in London to bring the colonies into constant and continuous relations with the home government.

Mr. Burt in this way gives a synopsis of practically all the discussions on closer union from 1822 to the meeting of the colonial confer-

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ence of 1887—discussions in the reviews as well as in conferences of various kinds; and two facts stand out clearly in his pages. The first is that it was statesmen in the oversea dominions in these sixty-five years who originated most of the proposals for closer political union; and the second is that neither the concession of responsible government to the colonies by Great Britain, nor after 1859 the adoption of protectionist tariffs by Canadian and Australian colonies, weakened in the least the desire of the oversea possessions for closer political relations with Great Britain. This desire for closer political union was contrary to the long accepted conviction in England that with responsible government the colonies would become independent; contrary also to the conviction of statesmen of the Manchester school that the adoption of protectionist policies by the Dominion of Canada and by Victoria must inevitably weaken the tie between the oversea dominions and Great Britain. In a reissue of the book Mr. Burt would add to its value for students of the constitutional history of the empire, by indicating the popular reception that was accorded some of the more important proposals for closer political union that he describes. This would involve considerable research in the files of the British and colonial newspapers of the period from 1822 to 1847, but the results would add much to the usefulness of what is now an extremely timely book.

E. P.

A Manual of the Federal Trade Commission. By RICHARD S. HARVEY and ERNEST W. BRADFORD. (Washington, D. C.: John Byrne and Company. 1916. Pp. 457.)

It may safely be predicted that the Federal Trade Commission Statute of September 26, 1914, will be one of the most important of recent congressional acts. There has of course been as yet little opportunity for its interpretation by the courts, or for the utilization by the commission which is established of its inquisitorial and regulative powers. There is needed, however, such a volume as the one under review in which is traced the legal conditions which led to, and which will largely condition the operation of, the act. This work the authors have done excellently; and, in addition, they have analyzed with care and judgment the act itself, and brought its provisions into relation to the Sherman anti-trust act and the Clayton act. The bearing of these important statutes, considered as parts of a general legislative policy, is discussed in connection with competition in trade, monopolies and combin-

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ations to prevent competition, banking, patents, and copyrights, unfair trading in relation to trade marks and trade names, and unfair methods as seen in abuses of corporate control. Practice and procedure before the Federal Trade Commission receive treatment, includiug suits for injunctions, contempt proceedings, actions for damages, criminal prosecutions, and immunity of witnesses. A special chapter is also devoted to the history and application of the provisions of the Clayton law relating to labor and labor unions. In a series of appendices there is given the text of the Trade Commission, Clayton, and Sherman laws, and other related statutes, and a memorandum, revised to October 15, 1915, of the cases instituted by the United States under the anti-trust laws. The volume, as a whole, thus furnishes a most convenient manual which should be of use not only to practicing lawyers but to academic students of the general problem of the federal regulation of trade and commerce in this country.

The American City. By HENRY C. WRIGHT, First Deputy Commissioner, Department of Public Charities, New York City. (Chicago: A. C. McClurg and Co. 1916. Pp. 178.)

This little volume is the first of the National Social Science Series edited by Frank L. McVey, Ph.D., LL.D., President of the University of North Dakota. Eight other books of this series are now ready and nine are in preparation.

This book is intended for the "general reader rather than the student." The first chapter, which deals with the location and purpose of cities, is very elementary. The second chapter, entitled "Government," describes the powers of cities, gives a bird's eye view of the governments of New York, Chicago, Philadelphia, St. Louis, and Boston, but devotes only four pages to commission and commission-manager governed cities. On page 29 the author states that Boston changed from a bicameral council of eighty-eight members to a single chambered body of nine members in 1901. The correct date of the change is 1909. Chapter III, "Finances of Cities," describes the various kinds of city taxes and how their expenditure is safeguarded. Some significant figures are given in this chapter, e.g., "that the amount of personal property taxes in New York City decreased from $419,679,395 in 1897, the year of consolidation, to $325,421,330 in 1913." Incidentally the author says, "The federal government can impose any kind of uniform tax necessary for the purpose of government. In times of

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peace these forms are restricted to import duties, internal revenue imports, and income taxes" (p. 53). The federal power is here not only ill defined but incorrectly stated. The federal government cannot impose a uniform export tax. Chapter IV, "Property, Life and Health," is made interesting by telling of such modern projects as high pressure water mains, day camps for children with whooping cough, and floating baths. Chapter V, "Education and Instruction," is too condensed for interest, and the Gary Plan is conspicuous by its absence. Chapter VI, "Municipal Undertakings," is one of the best. This chapter is an impartial account of municipal ownership from a progressive point of view. It contains an interesting table of municipal electric lighting plants, giving the population, power by which current is generated, rates per K. W. hour, number of customers, value of plant, receipts, and profits of 17 plants. Chapter VII, "Housing, Transit, and Location of Factories," and Chapter VIII, "The Effect of City Upon Its Citizens," treat cause and effect and contain ideas well worth considering. In these chapters the author advocates rapid transportation for factory employees at a price less than 5 cents or else rapid and cheap freight and express facilities so that factories might locate in the suburbs where families could have homes, neighbors, a neighborhood, and civic pride.

The views of the book are conservatively progressive, and it should be read by every urban dweller who does not have the time or price for a larger work, such as Zueblin's *American Municipal Progress*.

FRANK ABBOTT MAGRUDER.

The Diplomacy of the War of 1812. By FRANK A. UPDYKE, Ph.D., Ira Allen Eastman Professor of Political Science, Dartmouth College, The Albert Shaw Lectures on Diplomatic History, 1914. (Baltimore: The Johns Hopkins Press, 1915. Pp. 494.)

The centennial of peace between Great Britain and the United States has produced a number of books upon Anglo-American relations. No more fitting contribution to such literature could be sugeested than a careful and scholarly inquiry into the diplomacy which produced the Peace of Ghent. Such a book Professor Updyke has given us. While it is timely, it was not written, as is so often the case with timely books, upon the spur of the occasion. Throughout there are evidences of leisurely and thorough investigation. If these are not dressed up in a fascinating literary style, it must be remembered that the period has

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been treated by one who is not only a great historian but a master of trenchant prose style. All who follow Henry Adams are apt to suffer by comparison, and comparisons are odious. Professor Updyke has aimed to give a careful, not to say cautious, presentation based upon first-hand investigation of a great body of source materials. The department of state and foreign office archives and the unpublished letters of Jonathan Russell have added much to what was to be gleaned from the printed materials easily accessible. The papers of Bayard since printed, and of J. Q. Adams, now in course of publication, were seemingly not used, though it would appear that, had they been, not much change in the general outline would have been made.

The volume divides itself into three parts—the first having to do with the questions of impressment and neutral trade down to the outbreak of the war; the second, the diplomacy of the War of 1912—such it strictly was, for in that egregious war there were diplomatic relations of a sort between the belligerents from the beginning almost to the end of the conflict; and the third, the ultimate settlement of the various questions to the solution of which the Treaty of Ghent only gave direction. The author stresses "impressment as one of the principal causes for which the war was declared" (p. 60). That it was one of the principal occasions for was may be conceded (perhaps this is what is meant by stating that it gave the "sentimental basis" for the war, p. 61), but the causes of the war were certainly much more deeply laid than the questions of impressment, or even of neutral trade. The position of the United States in the present world-war vastly illuminates its position from 1793 to 1815. We have learned, too, to distinguish between the causes of, and the occasions for, war. During the Napoleonic era the United States might have kept out of the war altogether by abandoning its trusteeship of neutral rights and duties, or she might have sided, as she so nearly did in 1798, with Great Britain against France. Instead, with what seems to us today as a strangely provincial attitude, we sided with Casearism and despotic militarism against free institutions and constitutional liberty, overbearing and exasperating as the instruments of the latter certainly were.

The second part of the book centers upon tne negotiations at Ghent, and here the author has ploughed most deeply. The negotiations were painfully tedious, and it is not easy to make the narrative of them altogether interesting. After all, what most attracts one is the conflict of personalities engaged on both sides, for no more varied assortment of diplomatic agents ever sat about a table. Brilliant and able

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as the American commissioners were, the treaty was after all shaped by events quite outside their control, for the principal feature of it, the *status quo ante bellum*. was adopted by the British Cabinet because of "the unsatisfactory conditions of the negotiations at Vienna, and by reason of the financial difficulties in Great Britain" (p. 312). What might have been had Wellington accepted the appointment to command the British forces in the autumn of 1814 is beyond conjecture. Andrew Jackson might not have been the hero of New Orleans and a Pakenham might have written a different page at Waterloo. The reception of the treaty in England and in America is shown by quotations from the press of the two countries. The London *Times* called it a "deadly instrument," the Quebec papers expressed dissatisfaction, while those in this country loudly acclaimed it, for it brought peace. Jackson's victory made, in a way, a *succès d'estime* of what was, in fact, only a *modus vivendi*.

The third part treats of the negotiations (some of them still in progress, *e.g.*, the boundary at the northwest corner of the Lake of the Woods) proceeding from the Treaty of Ghent. The execution of the articles of the treaty was not marked at all times by large-mindedness on either side, and the matters left unsettled fortunately yielded in course of time to negotiation or to arbitration. One wonders, after all, if it was the treaty which kept the peace; rather was it, as is usually the case, what lay behind the treaty that forebore taking the final step in 1846, or in 1861, or in 1895.

JESSE S. REEVES.

Principles and Methods of Municipal Administration. By WILLIAM BENNETT MUNRO. (New York: Macmillan, 1916. Pp. xi, 491.)

Professor Munro has produced four excellent volumes dealing with city government. The first, *Government of European Cities*, appeared in 1909. That volume explained the structure and functions of city governments in France Prussia, and England. The second book, *The Government of American Cities*, was published in 1912 and deals with the framework of municipal organization. The third book, *Bibliography of Municipal Government in tne United States*, appeared in 1915 and contains about 5000 titles. The fourth book, the one under review, deals with the actual management of municipal business, especially in the United States, and thus supplements *The Government of American Cities*.

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The ten chapters in this book deal in succession with the following topics: "The Quest for Efficiency," "City Planning," "Streets, Water-Supply, Water Disposal and Sewerage," "Public Lighting," "Police Administration," "Fire Prevention and Fire Protection," "School administration," and "Municipal Finance." In these chapters the author succeeds in his "endeavor to translate many so-termed complicated questions into ordinary language," and advances no panaceas. He approves of the simplification of the machinery of local administration but says, "The vultures of city politics are not a bit afraid of the commission charter, the initiative, the referendum, and recall, the direct primary, the preferential ballot, or any other mechanical reform, so long as reformers keep hugging the delusion that they can reconstruct a government without taking the electorate into their reckoning" (p. 8). On the other hand Professor Munro does not favor turning the government over altogether to experts but feels that the fundamental requisite of good government is to keep the eyes of the people open. "Publicity pamphlets which try to give voters the entire story on the eve of an election" are not sufficient, but many methods are necessary to enlighten the electorate.

No general statement can be made regarding the author's attitude toward municipal problems as he is very discriminating in all of his opinions. However, his views regarding a few interesting problems might be given somewhat at random. As to public ownership he says "the water-supply system, in the judgment of those best qualified to give an impartial opinion, ought to be owned and operated as a municipal enterprise," first, because of its bearing upon the public health, second, because the city departments are themselves large consumers of water, and third, because water rates often determine the location of industries (p. 164). As to the wisdom of municipal ownership of gas plants and electric plants the author is non-committal, merely giving arguments pro and con, (pp. 258–9) but "there is much to be said in favor of the city's owning its lighting equipment (apart from the lighting plant itself" (p. 240). As to construction work he says, "On the whole the contract system of municipal construction, whether applied to streets or to other public work, is probably the cheaper method, ... but the contract system opens the door to numerous abuses" (p. 97). Social considerations as distinguished from economic may dictate construction by city employees.

Mr. Munro refers approvingly to the constitutional amendments of Massachusetts, Ohio, Wisconsin, and New York, which give the right

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to condemn more land than is actually needed for public improvements and to sell the excess for private use after the work is done (p. 92). In connection with private property he relates that since 1909 Los Angeles has enforced an ordinance excluding numerous industries from residential districts, and the highest state courts have upheld the law.

In the chapter on fire prevention and fire protection the former is emphasized. "As regards appliances, methods, and personnel we have almost nothing to learn from any European city in the science of fighting fire," but the per capita loss of property in the United States and Canada is $2.62 as compared to $.53 in England, $.81 in France, $.21 in Germany where more attention has been given to measures for prevention.

In referring to water-supply as merchandise a surprising statement is made. "Calculated in terms per thousand cubic feet, the cost of purifying and delivering water is about one half the cost of manufacturing and distributing illuminating gas" (p. 166).

On page 443 under municipal finance, as a suggested new source of revenue, we read: "In Buenos Aires the city treasury receives a net income of about $100,000 annually from the bill-boards which it owns and leases; while in New York City, it is estimated, the bill-boards bring to their private owners a gross income of more than a million dollars a year."

The contents of the book are most practical and the style extremely clear—even to the extent of repetition in some instances (see p. 129). The volume completes a set of text books which makes possible a satisfactory course in municipal government even for the small colleges.

FRANK ABBOTT MAGRUDER.

Men of the Old Stone Age. By HENRY FAIRFIELD OSBORN. (New York: Charles Scribner's Sons. 1915. Pp. xxvi, 545.)

In this thoroughly comprehensive work, Professor Osborn gives a systematic account of all relics and vestiges of prehistoric man as yet known to science. The author made personal studies of the principal camping stations of prehistoric man in Western Europe, but in preparing the work he has availed himself of the coöperation of many specialists. The work is profusely illustrated, and is accompanied by diagrams and maps. It deserves to be read and pondered by political scientists, for it will help to clear away misleading notions. One is apt to think of man as an individual, progressing from animalism to savagery, thence to barbarism, and at last to civilization. But from the

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time that indisputable evidence of the existence of human beings is found there is evidence that human life was distinctly social life. The facts given by Professor Osborn indicate a surprising density of population in certain areas in Palaeolithic times. Because many relics have been found in caverns the misleading term "cave dwellers" has been applied to people of that period. But professor Osborn points out that, strictly speaking, there was no cave life. The people lived in the open, resorting only occasionally to the caves. "The deep caverns were probably penetrated only by artists and possibly also by magicians or priests." The relics of prehistoric man found scattered through Europe should not be regarded as ancestral to the present people. As a rule they represent aberrant types, or extinct species. Europe is a terminal region in which from age to age many waves of biological invasion have spent themselves. The evolution of the individual human being has been an incident of a struggle between different societies with their characteristic institutions, that has been going on for innumerable milleniums.

HENRY JONES FORD.

The Collected Papers of John Westlake on Public International Law. Edited by L. OPPENHEIM, M.A., LL.D. (Cambridge University Press. 1914. Pp. xxx, 706.)

This collection of papers arose out of a design originally entertained after Professor Westlake's death of publishing a second edition of the *Chapters on International Law*, which appeared in 1894. It was a happy inspiration that led the editor and publishers to embody therein the most interesting and important of the eminent author's smaller contributions to his favorite subject. For lack of space it was unfortunately found impossible to include the French papers, which for the most part appeared in the *Révue de Droit International et de Législation Comparée.* A complete bibliography of Westlake's writings is given in the appendix on pp. 678 ff.

The *Chapters* are reprinted as Part I of the *Collected Papers.* It is perhaps unnecessary to review this part of the book, inasmuch as they are well known to students of international law and many of the ideas contained in them have obtained a still greater currency through their incorporation into the author's later work on *International Law.* Especially valuable and important are the historical sections and the chapters on "India" and "War."

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In view of Germany's conduct of the present war, it is of particular interest to read Westlake's comments (pp. 246 ff) upon Professor Lueder's distinction between *Kriegsmanier* (ordinary rules of war) and *Kriegsraison* (what is exceptionally permitted). Professor Westlake was undoubtedly justified in his criticism, but hardly in his surmise that "it need not be greatly feared that Professor Lueder's own government will ever give effect to his doctrine by ordering the devastation of a whole region as an act of terrorism." German commanders evidently do not merely indulge in speculative play with strange theories of frightfulness, they actually practice them.

In the final section dealing with "Improvement of the Laws of War" (pp. 274 ff), Westlake's words become almost prophetic. After calling attention to the remarkable development of the sentiment of pity and of an enthusiasm for humanity during the nineteenth century, he remarks:

"And now there are ominous signs that pity, as an operative force in the mitigation of war, has nearly reached its limit . . . . Theoretical writers have been found to preach what at one time they had been unanimous in denouncing, the devastation of whole tracts of country from sheer terror, or in vengeance for stubborn resistance by the enemy. And the bombardment of undefended coast towns has been advocated by professional sailors . . . . The pity which is effectual to work great changes is that which, in running at once through millions of men, is intensified by the enthusiasm which masses engender. But pity for suffering in war is liable in democratic times to encounter other feelings of equal extent and opposite tendency, the consciousness that the war in which the nation is engaged has been willed by it, and the national determination to triumph at any cost. . . . . The plea of necessity, even when justified, has a dangerous tendency to corrupt and degrade those who urge it; and when it has sapped the foundations of one fence, no other fence into the construction of which it has been introduced can be greatly relied on."

Part II contains twenty-two miscellaneous papers naturally varying greatly in interest and importance.

From the standpoint of the present war at least, the most interesting are those dealing with "Commercial Blockade," "Contraband of War," "Continuous Voyage," "Reprisals," "Belligerent Rights at Sea," "The Declaration of London," etc.

The papers in "The Venezuelan Boundary Question" and "The Transvaal War" have considerable historic interest.

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The paper on "Commercial Blockade" contains some strong arguments in favor of the abolition of commercial blockades. It was published in 1862 and inspired by a sense of the fearful suffering to which England was subjected by Lincoln's blockade of the southern ports during our Civil War. It may be considered doubtful whether were he still living the author would approve of the same arguments if used in behalf of Germany against the present British orders in council.

We may on the other hand feel reasonably certain that he would still employ the same argument which he urged in 1870 against a certain memorandum presented by Count Bernstoff to Earl Granville in favor of the view that the British government should prohibit the export of contraband to France.

As regards the doctrine of continuous voyage, Westlake was in agreement with the principle later adapted by the London Naval Conference of 1909 that it does not apply to a breach of blockade. In general it may be said that he was not an extreme advocate of belligerent rights at sea, but that he was a warm, if discriminating, supporter of the Declaration of London and the work of the Hague Conferences.

Though not strictly within the scope of a review of these papers, the reviewer should like to call special attention to the article on "International Arbitration" printed as an appendix to the first volume of Westlake's *International Law* and to the author's views on "The Theory of Neutrality" as contained on pp. 161 ff. of the second volume.

It would be well for all peace advocates seriously to study and ponder over the article on "International Arbitration." It includes some of the clearest and most weighty statements pointing out the political limits to arbitration to be found anywhere in the literature of the subject.

At a time when many Americans seem to look upon the status of neutrality as desirable or praiseworthy in itself, it is perhaps not out of place to note that Westlake was not a warm advocate of neutrality. In this respect he was a true follower of Grotius, who believed it to be "the duty of neutrals to do nothing which may strengthen the side which has the worse cause, or which may impede the motions of him who is carrying on a just war."

Westlake says: "There is no general duty of maintaining the condition of neutrality. On the contrary, the general duty of every member of a society is to promote justice within and peace only on the footing of justice, such being the peace which alone is of much value or likely to be durable. Thus in a state, the man would be a bad citizen who

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allowed a crime to be committed before his eyes without doing his best to prevent it, or who refused to assist the magistrates in punishing crime, and in the society of states the action of all the members in upholding its laws is the more required since an organized government is wanting . . . . We may sum up by saying that neutrality is not morally justifiable unless intervention in the war is unlikely to promote justice, or could do so only at a ruinous cost to the neutral."

Westlake was a believer in a *society of states*, the members of which are interdependent as well as sovereign or independent.

In evaluating the worth of Professor Westlake's contributions to International Law, the reviewer finds himself in hearty agreement with the estimate of the editor of these papers, Professor Oppenheim (pp. viii f): "Westlake was a most profound jurist and thinker, with a very wide range of interests. Generations to come will appreciate his works. International Law is to a great extent the product of the nineteenth century, and Westlake has assisted much in developing and shaping it. It was characteristic of him that he never evaded difficult problems, but sought them out, faced them, and, so to say, wrestled with them. It is for this reason that almost every page of his work is of importance; every writer on questions of International Law must take account of the opinion of Westlake on the subject concerned. As an authority, he was recognized all over the world, and his counsel was frequently sought by the British and by foreign governments."

A. S. HERSHEY.

Empire and Armament. The Evolution of American Imperialism and the Problem of National Defense. By JENNINGS C. WISE. (New York: G. P. Putnam's Sons. 1915. Pp. 353.)

The historical portions of this book are disappointing; but the volume as a whole is well worth reading. It is timely and popular rather than scholarly. At times it is inaccurate with reference to matters of common knowledge, as when, for example, the author declares on page 22 that the "Articles of Confederation went into effect in July, 1778." It is frequently extreme in its interpretation of America's dealings with foreign nations. as when, on page 184, it intimates that Americans have uniformly displayed "utter contempt for the international rights of other nations." "Invariably," it declares, "whenever the occasion has made it possible, the old spirit of aggression had manifested itself." And it consistently follows the logic of these words by so representing each step in our national expansion as to make it appear that we were

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deliberately preying upon our neighbors. Our national danger, declares the author, is an "impertinent imperialism which fosters the invasion of one-half of the world while reserving to its exclusive exploitation the other half." His aim is to show that our national history has been dominated throughout by two great ideas, the one an unreasonable prejudice against armies, and the other a Jingoism which has made us eager for war "whenever a seeming cause therefor arose." He presents well known incidents in rather a novel and striking manner, allowing himself the luxury of unusual historical judgments without producing the proofs necessary to sustain them. He is unconvincing for example, when he declares that President Monroe, in issuing his message of December, 1823, "merely sought to prevent Europe from denying the United States the full freedom of trade in this hemisphere." He even performs the feat of exaggerating Andrew Jackson's fighting qualities, declaring that "there was not a pacific thought in Jackson's mind at this or any other time." But, inspite of these defects, the book is valuable, and as we pass out of the part devoted to historical summary, it begins to become apparent that we are dealing not with history, but with a brief drawn in favor of military preparedness.

His plea for a national defence program drawn up by men who know the military problems before us is summed up in the phrase: "Rational men do not consult dentists upn medical questions, but they accept with the utmost confidence the views of a politician upon matters of a military nature.

His views upon the question of preparedness are condensed into a single sentence: "Let us strive on and continue to enlighten the advocates of war, but let us be prepared to overwhelm every possible enemy with arms should he refuse to be educated and prefer to assail us instead."

The national guard he defines as "Merely . . . . a less efficient and relatively more costly regular force than the one completely controlled by the federal govenrment and known as the regular army."

His general position he declares to be: "to depricate war and at the same time advocate adequate national armament, holding without apology the conviction of Washington, ... that the best way to preserve peace is to be prepared for war."

As a history of American expansion, *Empire and Armament* is not a safe guide: but as a plea for preparedness it deserves a wide circulation, as it emphasizes many lessons which the American people need to learn.

Robert M. McElroy.

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West Point in Our Next War. The Only Way to Create and to Maintain an Army. By MAXWELL VAN TANDT WOODHULL. (New York: G. P. Putnam's Sons. 1915. Pp. 266.)

The author's avowed purpose is "to point the way—the only way—to safety and success through thorough preparation."

Transfer the Philippines to Germany; prepare to defend the Hawaiian Islands and Alaska "at all hazards and to the death;" and reorganize the army by frankly abandoning the volunteer system as obsolete. Then increase the number of cadets to thirty-six hundred, and build up your army upon a system of conscription, "the most democratic, the fairest, the most equal and the only logical method on raising and maintaining modern armies." This will place the United States in a position of security. and this alone can accomplish it. The book is chiefly an elaboration of these propositions. It contains 266 pages of text, without an index. The postscript, in the form of a letter, is devoted to a criticism of Secretary Garrison's plans for national defense.

ROBERT MCNUTT MCELROY.

Regulation of Railroads and Public Utilities in Wisconsin. By FRED L. HOLMES. (New York and London: D. Appleton and Company. 1915. Pp. xi, 375.)

Mr. Holmes has prepared a painstaking account of the work of the Wisconsin Railroad Commission, under the laws for the regulation of railroads and other public utilities in that State. As a member of the legislature, serving as chairman of the assembly committee on transportation, he has been in a position to know the objects and provisions of the laws and to observe the results. His book gives evidence of careful study of the published reports of the commission, and also contains much information from its unpublished records. Quotations are given freely from the opinions of the commission and from addresses of the commissioners, as well as from judicial opinions, to show the principles and reasoning underlying the decisions, and this is further supported by statistical and other data explaining the decisions and their results.

The contents of the book demonstrate the comprehensive and intensive character of the commission's work in all its phases. In regulating rates, and service, capitalization and accounting, and in its valuations, the Wisconsin commission has set a high standard of scientific investigation which should be clearly recognized, even by those who

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may not accept all of its conclusions. This aspect of the operation of the Wisconsin laws is confirmed by the record of court reviews of the commission's decisions. Not a freight rate has been reversed. Of 2511 formal orders of the commission, fifty appeals have been taken, but in only thirty were the appeals perfected. In two cases the commission was reversed, and in two other friendly suits to secure a judicial interpretation of sections of the law the commission was overruled.

In conclusion, the author believes that, while state regulation may not have fulfilled the iridescent dreams of many, it has been a success. The financial savings as the result of lower rates and better service are estimated at $3,350,900 annually, at an average cost of less than $100,000 a year. In Mr. Holmes opinion, with the developments of the future, state regulation of public utilities should be strengthened rather than curtailed.

The volume is a valuable contribution to an important subject. But it is not the final word on the subject of state regulation of public utilities. Limited to a study of the Wisconsin commission, it does not consider some of the problems which have been presented in other States, where the personnel and methods of the state commissions have been more open to criticism. Moreover, while the discussion given presents points and arguments which need to be faced by those who have attacked the Wisconsin commission, the author has not squarely met and answered some of the specific criticisms which have been made by those who advocate municipal rather than state regulation.

From the viewpoint of literary style, the book is not easy reading. It deals with a complicated subject in a way which will be of service to the serious student. It is not a popular essay for the general reader.

JOHN A. FAIRLIE.

Pathological Lying, Accusation and Swindling. By WILLIAM HEALY and MARY TENNEY HEALY. Criminal Science monographs No. 1: Supplement to the *Journal of the American Institute of Criminal Law and Criminology.* (Boston: Little, Brown and Co. 1915. Pp. 286.)

This book is a collection of material drawn from the study of cases of a type with which the juvenile courts are frequently concerned, and is apparently intended to interest "lawyers and other students of criminalistics."

The authors define pathological lying as "Falsification entirely dis-

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proportionate to any discernible end in view, engaged in by a person who, at the time of observation, cannot definitely be declared insane, feebleminded or epileptic:" and pathological accusation as "False accusation indulged in apart from any obvious purpose." Swindling is included in the discussion because of the "natural evolution of this type of conduct from pathological lying"—a striking comment on the alleged lack of purpose in the lying and accusation.

Following a survey of the literature (principally foreign) on *pseudologia phantastica* (the complicated lying of pathological subjects), are the more or less detailed histories of twenty-seven cases, mostly young females. In the conclusions from the study of these cases, little if any light is thrown on them. The more important indications are: that on the average, the nineteen pathological liars who are considered by the authors as "mentally normal" make a poorer record on the laboratory "testimony" test than other "mentally normal offenders;" and that the heredity and the physical conditions of development, as well as the mental training, of these delinquents, were bad. The authors show a singular vacillation between the tendencies to emphasize the principle that "The person who is seemingly normal in all other respects may be a pathological liar" and the contrasting principle that "pathological lying is very rarely the single offense of the pathological liar."

In the foreign literature reported, the lying appears as a consequence or symptom of various pathological conditions, ranging from epilepsy and hysteria to less definite disorders. In most of the Healys' cases, the causes which underlie the pseudologia are clearly suggested to the reader. Sex plays a large part: sexual delinquency, precocious sex experience, and masturbation being characteristic of most of the cases, and unsatisfied sex longings strongly indicated as the source of the motives in several. The importance of early training in lying, which has especial bearing on the sexual lying of girls; and the fundamentally purposive nature of lying, are strikingly illustrated in nearly all of the cases presented. The "pathological lying" in these cases is curiously similar to the performances of the common variety of liars of whom the Hebrew king complained.

The predominance of girls among the pathological liars seems to the authors to confirm the old statement that girls have a greater natural tendency to lie than do boys. Rather does it point to the fact that parents and society are more lenient towards male delinquents of the sexual type than towards female delinquents of the same type, and

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hence more female than male cases will be brought before the investigators.

As a source from which to draw comparative material, especially for the study of the development and pathology of purposes, the Healys' book will doubtless be ultimately of value.

KNIGHT DUNLAP.

Principles of Labor Legislation. By JOHN R. COMMONS and JOHN B. ANDREWS. (New York: Harper and Brothers. 1916. Pp. 524. $2.)

The body of this book consists of an excellent analytical presentation of the salient points in existing labor law and in proposed legislation in fields as yet not adequately occupied in the United States. This is leavened by an exposition of the economic and legal reasoning underlying the actual or proposed legislation and by criticisms of and proposals for changes in the methods of drafting and enforcing labor laws. The book is intended for college students and the general reader.

Each field of labor legislation, from regulation of time of payment to compulsory insurance against unemployment, is taken up in turn, and this topical treatment occupies seven of the nine chapters and a larger proportion of the pages. In each field the economic arguments for state action, and in some the constitutional points involved, are outlined and the content of the laws enacted or proposed is there examined from the standpoint of its efficiency in meeting the particular problem presented. In one respect, that of court decisions as to the rights and disabilities of the parties in labor struggles, the authors go outside legislation in the narrow sense, and with good results. Viewed as a summary of labor law the book is comprehensive and adequate, without going into wearisome detail, and as such will receive a hearty welcome.

The treatment of the "principles" underlying labor legislation as a whole occupies but eleven pages. These come at the end of the first chapter, which is entitled "The Basis of Labor Law." In this chapter are outlined the constitutional limits within which labor law must stand, and the two principles of law and justice under which modern labor law qualifies, according to the authors, are those of *public benefit* and *equal protection of the laws*. The change in public and judicial opinion, with changing economic conditions, as to the desirability of public regulation of the labor contract and of redressing the inequality in the labor bargain by giving one side a handicap is strikingly and sug-

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gestively, but too briefly, traced. One cannot but regret that authors as well qualified as these two have given us such a meagre treatment of the principles of labor legislation in general.

In breadth of treatment and in constructive suggestion the last chapter, entitled "Administration," is far more satisfying. The authors use the term "Administration" in no narrow sense. Among other things it "is the means of investigating, drafting, and adopting enforceable laws." It is "legislation in action." And the essence of administration is investigation. A fourth department of government, administration, is therefore advocated, the primary function of which is investigation and which will absorb the investigation work of the executive, legislature, and judiciary. This fourth department is to be managed by the industrial commission, advised by a council made up of representatives of the employers and workers, and it is implied that the legislature and the courts should accept its data and follow its recommendations. The desirability of the legislature confining itself to the laying down of standards, in most spheres of labor legislation, and allowing the commission to apply those standards after an investigation of the facts and conditions in each case, is much emphasized and properly. There is also a suggestive but limited exposition of the advantages of enlisting the coöperation of those in the industry in the enforcement of standards of health and safety through financial inducement and financial pressure over the method of prosecutions for violations as a means of securing the ends aimed at in the legislation. The advanced student may disagree with much in this chapter, but he will find it stimulating.

D. A. McCabe.

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RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

JOHN A. DORNEY
Library of Congress

UNITED STATES

Addresses of President Wilson January 27–February 3, 1916 . . . 1916. 72 p. 8°. House doc. No. 803.

Note: Contains addresses delivered at New York, Pittsburgh, Cleveland, Milwaukee, Chicago, Des Moines, Topeka, Kansas City, St. Louis.

The Admission of Chinese, Treaty, Laws, and Rules Governing. Rules approved October 15, 1915. . . . 1915. 48 p. 8°. *Department of Labor, Bureau of Immigration.*

Affairs in Mexico. Message from the President of the United States transmitting in response to a senate resolution of January 6, 1916, certain information relative to affairs in Mexico. Senate Doc. 324. 1916. 55 p. 8°. *Dept. of State.*

American Policy in Nicaragua. Memorandum on the convention between the United States and Nicaragua relative to an interoceanic canal and a naval station in the Gulf of Fonseca, signed at Managua, Nicaragua, on February 8, 1913, by George T. Witzel former American minister to Nicaragua, 1912–13. Senate Doc. 334. 1916. 33p. 8°.

Armed Merchantmen. International Relations of the United States . . . Senate Doc. 332. 1916. 54 p. 8°.

Contains extracts from the following articles and publications, Moore's *Digest of International Law, Journal of International Law, North American Review, Armed Merchantmen*, by Jonkheer W. J. M. von Eysinga, *Resistance against lawful exercise of the right of stoppage, visit and search*, by Dr. George Schramm.

Armor Plant for the United States. Hearings before the Committee on Naval Affairs United States Senate . . . on S. 1416, A bill to erect a factory for the manufacture of Armor. 1916. 172 p. 8°.

Articles of War, Revision of the, Report from the Senate Committee on Military Affairs. [To accompany S. 3191.] [1916] Senate Report no. 30. 100 p. 8°.

The Atlantic Fleet in 1915. Letter from the Secretary of the Navy transmitting . . . Annual report of the Commander in Chief of the Atlantic fleet for the year ending June 30, 1915 . . . also a letter from the Secretary to the Chairman of the Senate Committee on Naval Affairs transmitting certain statements relative to the action taken by the Navy Department to advance the efficiency of the Atlantic Fleet. 1916. 31 p. 8°. Senate Doc. No. 251.

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Louis D. Brandeis, Nomination of. Hearings before the subcommittee of the committee on the Judiciary United States Senate . . . on the nomination of Louis D. Brandeis to be an associate justice of the supreme court of the United States. Pt. 1–21 (with index). 1916. 1319 p. 8°.

Child Labor, To Prevent Interstate Commerce in the Products of . . . Report from House Committee on Labor. [To accompany H. R. 8234.] [1916] 41 p. 8°. House Report No. 46. pt. 1.

———Views of the Minority . . . [1916] 14 p. 8°. House Report No. 46. Pt. 2.

Child Labor Legislation in the United States. By Helen L. Sumner and Ella A. Merritt. Industrial series No. 1. Bureau publication No. 10. 1915. 8°, Various paging [Approx. 1300] 8°. *Department of Labor, Children's Bureau.*

Note: Contains test of laws of the various states effecting child labor and analytical tables of the same.

Citizenship, Registration of American Citizens, Issuance of Passports, etc. Compilation of certain departmental circulars relating to. 1915. 88 p. 8°. *State Department.*

Constitution. Article entitled Back to the Constitution by Walter Clark, LL.D. Chief Justice of the supreme court of the State of North Carolina. Senate doc. 308. 1916. 13 p. 8°.

Electric Power Development in the United States. Letter from the Secretary of Agriculture transmitting a report in response to a senate Resolution of February 13, 1915, as to the ownership and control of the water-power sites in the United States. Senate Doc. No. 316. In three parts. Pt. 1. 1916. 62 p. 4°.

European War from Observations Taken Behind the Allied Armies in France, Report on the Medio-Military Aspects of the. By Surgeon A. M. Fauntleroy, U. S. Navy . . . 1915. 146 p. 8°. *Navy Department, Bureau of Medicine and Surgery.*

Fiscal Relation Between the United States and the District of Columbia. Report of the joint select committee of the Congress of the United States . . . together with the hearings held before the select committee thereon. In two volumes. Vol. 1. 1916. 1007 p. Vol. 2. 1008–1752 p. 8°.

Note: Committee appointed "to prepare and submit to congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States" . . .

The Government of the Philippine Islands. Message from the President of the United States transmitting a letter from the Secretary of War submitting a report of Brig. Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, upon his recent trip to the Philippine Islands. Senate document 242. 1916. 51 p. 8°.

Labor Difficulties in the Coal Fields of Colorado . . . Report of the Colorado Coal Commission on the labor difficulties in the coal fields of Colorado during the years 1914 and 1915. 1916. 16 p. 8°. House doc. 859.

Manufacture of Armor. Report of Senate Committee on Naval Affairs [to accompany S. 1447]. Senate Report No. 115. [1916] 4 p. 8°.

Note: Report recommends the enactment into law of Bill S. 1417. providing for the construction of a government owned armor plant.

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Military Policy, An Outline of the Proposed. 1915. 8 p. 8°. *War Department.*

Military Establishment, Increasing the Efficiency of. Report [to accompany H. R. 12766] by the House Committee on Military Affairs. 1916. 23 p. 8°. House Report 297.

Navigation Laws. Comparative study of principal features of the laws of the United States, Great Britain, Germany, Norway, France and Japan, prepared by Grosvenor M. Jones, commercial agent, in collaboration with the Bureau of Navigation and Steamboat-Inspection Service. Special Agents Series—No. 114. 1916. 190 p. 8°. *Department of Commerce, Bureau of Foreign and Domestic Commerce.*

First Pan-American Financial Conference convened by authority of the Congress of the United States under the direction of Hon. William G. McAdoo, Secretary of the Treasury . . . Proceedings of the. 1915. 744 p. 8°. *Treasury Department.*

Power of the Executive (in the absence of legislation by Congress) to prevent a breach of neutral obligations imposed upon the United States by the Law of Nations or by treaty, Supplemental brief in the support of the. 1915. 47 p. 8°. *Department of Justice.*

Preparedness for National Defense. Hearings before the Committee on Military Affairs United States Senate. . . . on bills for the reorganization of the army and for the creation of a reserve army . . . 1916. 1053 p. 8°.

Preparedness For National Defense . . . Report[s] [to accompany S. 4840.] [1916] 26. 2 p. 8°. Senate Report 263. Pt. 1. Pt. 2. *Senate, Committee on Military Affairs.*

Note: Pt. 2. Views of a Minority.

The Power of the Judiciary Over Legislation. . . . By Hon. J. Crawford Biggs, President of the North Carolina Bar Association. Senate doc. 341. 1916. 27 p. 8°.

A Proper Military Policy for the United States, Statement of. Prepared by the war college division, General Staff Corps in compliance with instructions of the Secretary of War March, 1915. 1915. 29 p. 8°. *War Department.*

The Seamen's Act of 1915. Address delivered at the ninth annual meeting of the American Association for Labor Legislation held in Washington, D. C., on December 28, 1915 by Henry W. Farnam, Professor of Economics, Yale University. Senate Doc. 333. 1916. 16 p. 8°.

Secretary of War Garrison's Explanation of the Military Policy Recommended by Him and Approved by the President. [1916] 8 p. 8°.

The Ship Purchase Bill, Maintenance of a Lobby to Influence Legislation on. Report from a special committee of the Senate. [Pursuant to S. Res. 543.] Senate Report. 23. Pt. 1. 16 p. 8°.

Statement Made by Secretary of War to the Committee on Military Affairs of the House of Representatives. Thursday, January 6, 1916. 1916. 20 p. 8°,

Steamboat-Inspection Service, Preliminary report, committee of supervising inspectors. House document No. 504. [1916] 8p. 8°. *Department of Commerce.*

Note: Special Committee appointed by Department of Commerce immediately after the *Eastland* disaster to determine what means if any were needed to improve the Steamboat-Inspection Service upon the Great Lakes.

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The United States Postal Money-Order System. A survey of the system for the purpose of ascertaining its condition and advancing its efficiency and economical administration, conducted by a Departmental Committee under the direction of Albert S. Burleson, Postmaster General. 1915. 156 p. 8°. *Post Office Deparment.*

War Risk Insurance, Report of the Director of the. House doc. 544. 1916. 15 p. 8°.

Note: Report covers period September 2, 1914, to November 30, 1915.

Water-Power Bill . . . Committee on Interstate and Foreign Commerce . . . report [to accompany S. 3331]. [1916] 12 p. 8°. House Report No. 404.

Woman and Child Wage Earners in the United States, Summary of the Report on Conditions of. Bulletin 175. House doc. 1708. 1916. 445 p. 8°. *Department of Labor, Bureau of Labor Statistics.*

Woman Suffrage. Report from the Senate Committee on Woman Suffrage. [To accompany S. J. Res. 1.] Senate Report No. 35. 5 p. 8°.

CALIFORNIA

Constitution of the State of California and Summary of Amendments, to which are appended Magna Charta, Declaration of Rights, Declaration of Independence, the articles of confederation and the constitution of the United States. 1915. 348 p. 15°. *Legislative Counsel Bureau.*

Initiative and Referendum, Provisions of the Constitution and Statutes of California governing the submission of measures to the whole people by the . . . 1916. 12 p. 8°. *Legislative Counsel Bureau.*

GEORGIA

Manual of the General Assembly of the State of Georgia, 1915–1916. . . . 1915. 227 p. 12°. *General Assembly.*

ILLINOIS

Municipal League Held at the University of Illinois, Urbana, November 2–3, 1915, Proceedings of the Second Annual Convention of the. 1915. 108 p. University of Illinois Bulletin. Vol. 13, no. 18.

Organization and Efficiency of the University, with a view to drafting ultimately a constitution for the University of Illinois." Report of Special Senate Committee authorized February 6, 1911 "to make a thorough investigation of the. Presented to the Senate June 7, 1915. 1915. 44 p. 8°. Bulletin V. 13, no. 4. *University of Illinois.*

INDIANA

Taxation, Proceedings of the Commission on. 1915. 229 p. 8°.

Note: Commission appointed under provision of Chapter 114 of the acts of 1915 . . . to investigate the problems of taxation in Indiana.

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MARYLAND

Maryland Manual, 1915–1916. A Compendium of legal, historical and statistical information relating to the State of Maryland. . . . 331 p. 8°. *Secretary of State.*

NEW JERSEY

Municipal Financing, Report of the Commission for the Survey of. 1915. 31 p. 4°. *Legislature.*

Note: Committee appointed under resolution of March 2, 1915, to make an exhaustive review of municipal finances and to report findings and recommendations.

Pensions for State and Municipal Officers and Employees, Report of the Commission to Investigate . . . 14 p. 8°. *Legislature.*

Reorganization and Consolidation of the Different Departments of the State Government, Fourth Report of the Commission upon the . . . 1916. 26 p. 8°. *Economy and Efficiency Commission.*

NEW YORK

Constitutional Convention of the State of New York, 1915, begun and held at the Capitol in the city of Albany on Tuesday the sixth day of April, Record of the. 1915. 4578 p. (4 V.) 8°.

The Governor's Budget Conference. Revision of Desired Appropriations by the State Department . . . for the fiscal year of 1916–1917 . . . [1916.] 42°. p. 8°.

Note: Transmitted to the legislature by the governor as an exhibit in connection with the tentative state budget proposal, January 5, 1915

Joint Legislative Committee for the Investigation of the Finances of the City of New York. Report . . . transmitted to the Legislature, February 7, 1916. 1916. 56 p. 8°. *Legislature.*

OREGON

Election Laws of Oregon Relating to the Duties of Public Officials, Electors and Candidates, and to the preparation and filing of initiative petitions, arranged in order according to dates 1916, Digest of. Prepared by Ben W. Olcott, Secretary of State. 1916. 48 p. 8°.

Statutes and Constitution Relating to Elections in the State of Oregon. Compiled from Lord's Oregon laws and the session laws of 1911, 1913, 1915; also such provisions of the constitution of Oregon and such statutes of the United States as pertain to elections in this state . . . 1915. 245 p. 8°. *Secretary of State.*

PENNSYLVANIA

Employment and Compensation of Prisoners in Pennsylvania. Report of the Penal Commission appointed under authority of an act approved July 25, 1915. 1915. 112 p. 8°.

Smull's Legislative Handbook and Manual of the State of Pennsylvania, 1915. . . . 1915. 1320 p. 8°. *General Assembly, Senate.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SOUTH CAROLINA

Legislative Manual. Seventy-first general assembly of South Carolina, second session January 11–February, 1916 . . . [1916] 115 p. 8°. *General Assembly, House of Representatives.*

SOUTH DAKOTA

Legislative Manual, 1915 . . . . Fourteenth session of the Legislature, 1915. 1915. 643 p. 8°. *Bureau of Printing.*

TENNESSEE

Tennessee Directory and Official Vote 1914, for Presidential Electors, Governor, Railroad Commissioners, Congressmen, Senators and Representatives . . . [1915] 46 p. 24°. *Secretary of State.*

VIRGINIA

Liquor Laws of Prohibition States, Extracts from . . . 1916. 264 p. 8°. *Legislative Reference Bureau.*

WASHINGTON

Salmon Canning Industry in the State of Washington and the Employment of Oriental Labor, Special Report on the . . . 1915. 16 p. 8°. *Bureau of Labor.*

AUSTRALIA

New Industries. Reports. 1915. 21 p. fol. *Interstate Commission.*

Note: Information furnished Parliament of the new industries that could with advantage be established in the Commonwealth..

Returns of Food Stocks Under the "War Precautions Act 1914–1915." [1915.] 14 p. fol.

Note: Report is an inventory of food-stuffs in storage in the Commonwealth of Australia up to the end of September, 1915.

CANADA

Civic Improvement League for Canada. Report of preliminary conference. 1915. 48 p. 8°. *Commission of Conservation.*

Note: Conference met at Ottawa, November 19, 1915 for the purpose of discussing plans for the formation of a civic improvement league for Canada.

FRANCE

La revision Générale de l'Evaluation des Dommages Resultant de Faits de Guerre, Commission Superieure Chargie de. Rapport général sur les méthodes d'evaluation des dommages présenté au nom de La Commission Superieure par M. Hébrard de Villeneuve, President de la section de L'Interiéur du Conseil D'Etat. 1915. 19 p. 4°.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GERMANY

Belgische Aktenstücke 1905–1914. Berichte der belgischen Vertreter in Berlin, London und Paris an den minister des Aeusseren in Brüssel . . . Berlin 140 [156] p. 4°. *Auswärtiges Amt.*

Employment, Contrary to International Law, of Colored Troops upon the European Arena of War by England and France. [Translation] [1915] 35 p. fol. *Foreign Office.*

GREAT BRITAIN

Alleged Ill-Treatment of German Subjects Captured in the Cameroons Correspondence relative to the. 1915. 47 p. fol. [Cd. 7974.] Price 5d. *Colonial Office.*

British Trade After the War. Report of a sub-committee of the advisory committee to the Board of Trade on Commercial Intelligence with respect to measures for securing the position, after the war, of certain branches of British Industry. 1916. 18 p. fol. [Cd. 8181.] Price 2½d.

Captain Von Papen, Late German Military Attaché at Washington, Falmouth, January 2, 3, 1916. Selection from papers found in the possession of, 1916. 35 p. fol. Miscellaneous No. 6 (1916) [Cd. 8174.] Price 6d. *Foreign Office.*

Civil Service, Royal Commission on. Sixth report of the Commissioners. 1915. 84 p. fol. [Cd. 7832.] Price 9d.

——— Appendix [to above report]. 1915. 788 p. fol. [Cd. 8130.] Price 6s. 3d.

Food and Raw Material Requirements of the United Kingdom . . . 1915. 123 p. fol. [Cd. 8123.] Price 1s. *Dominions Royal Commission.*

Health of Munitions Workers Committee. Report on Industrial Canteens. 1915. 7 p. fol. [Cd. 8133.] Price one penny. *Ministry of Munitions.*

——— Report on Sunday Labour. 1915. 6 p. fol. [Cd. 8132.] Price 1d. *Ministry of Munitions.*

Manual of Emergency Legislation Comprising All the Acts of Parliament, Proclamations, Orders, etc., passed and made in consequence of the War with an introductory note and an analytical index. . . . Suppl. No. 4. to August 31, 1915. 1915. 452 p. 8°. Price 2s. 6d.

Naval and Military Despatches Relating to Operations in the War. Part 2. November, 1914, to June, 1915. . . . 1915. 91–293 p. 8°. Price six pence. *Admiralty Office.*

Prohibitions of Export in Force in British India, the Self-Governing Dominions, Egypt, and Certain Other British Possessions. (Suppl. to Bd. of Trade Journal, October 14, 1915.) 1915. 86p. 8°. *Board of Trade.*

Prohibitions of Export in Force in the United Kingdom, in Allied Countries, and in Neutral Countries in Europe. (Supp. to Bd. of Trade Journal, October 28, 1915.) 1915. 90 p. 8°. *Board of Trade.*

Recruiting, Report on. By the Earl of Derby, H. G., Director General of Recruiting. 1916. 8 p. fol. [Cd. 8149.] Price 1d. *War Office.*

Retrenchment in the Public Expenditure, Final Report of the Committee on. 1916. 26 p. fol. [Cd. 8200.] Price 3d.

Sea-Borne Commerce of Germany, Statement of the Measures Adopted to Intercept the. 1916. 7 p. fol. [Cd. 8145.] Price 1d. Miscellaneous. No. 2. (1916.) *Foreign Office.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Statistical Abstract Relating to British India from 1904–5 to 1913–14. Forty-ninth number. 1916. [Cd. 8157.] Price 1 s. 3 d. 1916. 285 p. 8°. *India Office.*

The Treatment of British Prisoners of War and Interned Civilians in Germany, Correspondence with the United States Ambassador Respecting. . . . 1915. 64 p. fol. [Cd. 8108.] Miscellaneous. No. 19 (1915). Price 7 d. *Foreign Office.*

Note: In continuation of "Miscellaneous No. 15 (1915)."

War Loans for the Small Investor, Copy of Report of the Committee on. 1916. 10 p. fol. [Cd. 8179.] Price 1½ d. *Treasury Department.*

ITALY

Raccolta di Desposizioni Legislative E Regalamentari Emanate dal R. Governo durante l'Attuale Conflitto internazionale per cura del Car. Sabino Rinella consigliere di Legazione, Fascicolo 1. Bollettino n. 457 bis. *Ministero degli Affari Esteri.*

SWEDEN

Sweden. Historical and Statistical Handbook by order of the Swedish Government edited by J. Guinchard. Second edition. English issue. First part. Land and people. Stockholm. 1914. 781 p. 8°.

——— Second part. Industries. Stockholm. 1914. 758 p. 8°.

UNION OF SOUTH AFRICA

Control and Management of Railways and Harbours. Memorandum by the Railway and Harbour Commissioners. 1915. 8 p. fol. *Railway and harbour Board.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

INDEX TO RECENT LITERATURE—BOOKS AND PERIODICALS

CONSTITUTIONAL LAW

Books

Chimienti, P. S. Diritto costituzionale e politico. Naples: Penella. 1915. Pp. viii, 290.

Clement, W. H. P. The law of the Canadian constitution. 3d ed. London: Sweet and Maxwell.

Crombie, T. L. Towards liberty; being a Britisher's view concerning India. Theosophical Pub. House.

Flandin, E. L'Allemagne en 1914; institutions, gouvernement, armée. Paris: Le Sourdier. 1915.

Gibbons, H. A. The foundation of the Ottoman empire. New York: Century.

Griffis, William E. The Mikado; institution and person. London: H. Milford. Pp. 354.

Haines, L. Your Congress. Washington: National Voters' League Asso'n.

Harvey, R. S., and Bradford, E. W. A manual of the federal trade commission. Washington: Byrne. 1916. Pp. 500.

Lanessan, J. L. de. L'Empire Germanique sous la direction de Bismarck et de Guillaume II. Paris: F. Alcan. 1915. Pp. 147.

McFall, Robert James. Railway monopoly and rate regulation. New York: Columbia Univ. Press. Pp. 223.

Meyer, Eduard. England. Seine staatl. und polit. Entwicklg. u. d. Krieg gegen Deutschland. Stuttgart: Cottasche Buchh. 1916. Pp. xxiv, 213.

Ramanathan, P. Riots and martial law in Ceylon. St. Martin's Press. 1915. Pp. 314.

Schroeder, T. Free speech for radicals. Enl. ed. Riverside (Conn.): Hillacre Bookhouse.

Vinogradoff, Paul. Self-government in Russia. London: Constable. Pp. 124.

Articles in Periodicals

Argentina. Recent political evolution in Argentina. *F. L. Defrance.* Quart. Rev. Jan., 1916.

Boards of Health. Quasi-legislative powers of state boards of health. *U. G. Dubach.* Am. Pol. Sci. Rev. Feb., 1916.

British Empire. The integrity of the empire: the offer of Cyprus to Greece. *Sir Francis Piggott.* Nine. Cent. Jan., 1916.

British Empire. The reorganization of the empire: counsels of perfection. *Sir Francis Piggott.* Nine. Cent. March, 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Budget. Constitutional aspects of a national budget system. *Charles W. Collins.* Yale Law Jour. March, 1916.

Cabinet Government. Cabinet government. *The Editor.* Edinb. Rev. Oct., 1915.

Clayton Law. The Clayton law—an imperfect supplement to the Sherman law. *Felix H. Levy.* Va. Law Rev. March, 1916.

Common Carriers. The exercise of constitutional powers by common carriers. *John B. Daish.* Yale Law Jour. Jan., 1916.

Confiscation. The road to confiscation. *Lee J. Vance.* Yale Law Jour. Feb., 1916.

Constitution. Rejuvenating the constitution. *Charles Zueblin.* Yale Law Jour. Jan., 1916.

Constitutional Law. Four fugitive cases from the realm of American constitutional law. *Jesse Turner.* Am. Law Rev. Nov.-Dec., 1915.

Constitutional Restraints. The need of constitutional restraints. *Lawrence Y. Sherman.* Ill. Law Rev. Jan., 1916.

Court Martial. A court martial fifty years ago. *William Renwick Riddell.* Am. Law Rev. Jan.-Feb., 1916.

Due Process. Federal courts and mob domination of state courts: Leo Frank's case. *Henry Schofield.* Ill. Law Rev. Feb., 1916.

Export Laws. United States v. Hvoslef: a constitutional source of national revenue impaired. *Clarence Norton Goodwin.* Harv. Law Rev. March, 1916.

Federal Trade Commission. The federal trade commission. *Charles W. Needham.* Col. Law Rev. March, 1916.

Federal Trade Commission. Procedure before the federal trade commission. *John B. Daish.* Col. Law Rev. Feb., 1916.

France. The cry for authority in France. *The Abbé Ernest Dinniet.* Nine. Cent. March, 1916.

Habeas Corpus. Suspension of the habeas corpus in strikes. *W. W. Grant, Jr.* Va. Law Rev. Jan., 1916.

Hours of Labor. Hours of labor and realism in constitutional law. *Felix Frankfurter.* Harv. Law Rev. Feb., 1916.

India. Lord Hardinge's viceroyalty. *A. Yusuf Ali.* Nine. Cent. March, 1916.

Interstate Commerce. Liability of common carriers under the act to regulate commerce. *John B. Daish.* Yale Law Jour. March, 1916.

Ireland. L'home rule irlandese. *Tomaso Perasssi.* Rib. di. Dir. Pub. VII, 4. 1915.

Jury. Is the common law relation of judge and jury subject to legislative change? *Thomas W. Shelton.* Va. Law Rev. Jan., 1916.

Legal State. Der Gesetzesstaat und die Empire. *Friedrich Tezner.* Archiv de Öffent. Rechts. XXXV, 3. 1916.

Local Government. The doctrine of an inherent right of local self-government. *Howard Lee McBain.* Col. Law Rev. March, 1916.

Martial Law. Qualified martial law, a legislative proposal, II. *Henry Winthrop Ballantine.* Mich. Law Rev. Jan., 1916.

Nationalism. The great American experiment. *Clifford Thorne.* Am. Law Rev. Jan.-Feb., 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Nationality. The new British imperial law of nationality. *Richard W. Flourney, Jr.* Am. Jour. of Int. Law. Oct., 1915.

New York Constitution. The attempted revision of the state constitution of New York. *G. G. Benjamin.* Am. Pol. Sci. Rev., Feb., 1916.

Pardons. Executive, legislative, and judiciary in pardon. *James D. Barnett.* Am. Law Rev. Sept.-Oct., 1915.

Porto Rico. The relations between the United States and Porto Rico. Part I. *Pedro Capó-Rodréquez.* Am. Jour. of Int. Law. Oct., 1915.

Preparedness. National defense—constitutionality of pending legislation. *Nathan William MacChesney.* Penn. Law Rev. Feb.-March, 1916.

Presence of Defendant. Presence of the defendant at rendition of the verdict in felony cases. *Gullie B. Goldin.* Col. Law Rev. Jan., 1916.

Privy Council. The development of the privy council. *Arthur P. Poley.* Britan. Rev. Jan., 1916.

Rate Regulation. The United States supreme court and rate regulation. *Douglas D. Storey.* Penn. Law Rev. Jan., 1916.

Right to Sell. The right to refuse to sell. *Rome G. Brown.* Yale Law Jour. Jan., 1916.

Right to Work. The right to work for the state. *Thomas Reed Powell.* Col. Law Rev. Feb., 1916.

Unconstitutional Law. Back to the constitution. *Walter Clark.* Va. Law Rev. Dec., 1915.

Vice President. Our constitutional fifth wheel. *Rion McKissick.* Va. Law Rev. Dec., 1915.

Women Suffrage. Do women want the vote? *William M. Bray.* Atlan. Mo. April, 1916.

Webb-Kenyon Act. Unlawful possession of intoxicating liquors and the Webb-Kenyon act. *Lindsay Rogers.* Col. Law Rev. Jan., 1916.

INTERNATIONAL LAW AND DIPLOMACY

Books

Anderson, C. C. The war manual. London: Unwin.

Andler, Charles. "Frightfulness" in theory and practice as compared with Franco-British war usages. London: Unwin. Pp. 182.

Andrews, L. C. Fundamentals of military service. Philadelphia: Lippincott.

Aulneau, J. La Turquie et la guerre. Paris: F. Alcan. 1915.

Baie, E. Le droit des nationalitiés. Paris: Felix Alcan. 1915. Pp. 118.

Baillod, Ch. Pourquoi l'Allemagne devait faire la guerre. Paris: Perrin. 1915. Pp. xvi, 110.

Baldwin, J. Mark. France and the war. New York: Appleton.

Bates, Lindell T. Les traités fédéraux et la législation des états aux États-Unis. Paris: Lib. Gén. de Droit et de Jurisprudence. 1915. Pp. 228.

Bigelow, J. World peace. New York: Mitchell Kennerley.

Boudin, Louis B. Socialism and the war. New York: New Review Pub. Co.

Bourgin, L. Le militarisme allemand; ce qu'il est; pourquoi il faut le détruire. Paris: F. Alcan. 1915. Pp. 128.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brewer, Daniel Chauncey. Rights and duties of neutrals. New York: Putnam. Pp. 260.

Bullard, Arthur. The diplomacy of the great war. New York: Macmillan. Pp. 344.

Burns, C. D. The morality of nations. New York: Putnam. Pp. 254.

Carpenter, Edward. The healing of nations and the hidden sources of their strife. New York: Scribner's.

Cestre, G. L'Angleterre de la guerre. Paris: Henri Didier. 1915. Pp. 352.

Chesterton, G. K. La barbarie de Berlin. Paris: 1915. Pp. 145.

Crandall, Samuel B. Treaties: their making and enforcement. Washintgon: Byrne. 1916. Pp. 650.

Crow, Carl. Japan and America. Robert McBride and Co. Pp. 316.

Dampierre, J. A. Allemagne et le droit des gens, d'après les sources allemandes et les archives du gouvernement. Paris: Berger-Levrault. 1915. Pp. 262.

Daveluy, R. La Lutte pour l'empire de la mer. Exposé et critique. Paris: A. Challamel. 1916. Pp. viii, 231.

Destrée, J. En Italie avant la guerre. 1914–1915. Pp. Bruxelles et Paris: G. Van Oest et Cie. 1915. Pp. xv, 172.

Destrée, J. Les socialistes et la guerre européenne 1914–1915. Paris: G. Van Oest et Cie. 1916. Pp. 136.

Dickinson, G. Lowes, and others. Towards a lasting settlement. New York: Macmillan. Pp. 216.

Dillon, E. J. From the Triple to the Quadruple Alliance. Why Italy went to war. London: Hodder and S. Pp. 254.

Druowski, R. La question polonaise. Paris: A. Colin. 1915.

Edsall, Edward W. The coming scrap of paper. London: Allen and U. Pp. 188.

Fischer, Henry W. The secret memoirs of Bertha Krupp. London: Cassell. Pp. 346.

Flach, J. La déviation de la justice en Allemagne. La force et le droit. Paris: Fischbacher. 1915. Pp. 20.

Flint, Herbert. An application of the teachings of Christ to the American-Japanese problem. Lawrence: Univ. of Kansas. Pp. 36.

Freehoff, Joseph C. America and the canal title. New York: Sully and Kleingeich.

Gaillard, G. Culture et kultur. Paris: Berger-Levrault. 1915. Pp. 246.

Gardiner, A. G. The war lords. New York: Dutton.

Gould, B. A. War thoughts of an optimist. New York: Dutton. Pp. 200.

Grondys, L. H. The Germans in Belgium. New York: Appleton.

Gruet, P. L. Les réquisitions militaires. Paris: F. Alcan. 1915.

Grumbach, S. Das Schicksal Elsass-Lothringens. Neuchâtel: Delachaux and Niestlé. 1915. Pp. 142.

Gueshoff, I. E. The Balkan league. London: Murry. Pp. 162.

Guirand, F. Les livres diplomatiques des nations belligérantes analysés et commentés. Paris: Larousse. 1915. Pp. 88.

Guyot, Y. Les causes et les conséquences de la guerre. Paris: F. Alcan. 1915. Pp. 416.

Hannah, Ian C. Arms and the map. New York: G. Arnold Shaw.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hayward, Charles W. What is diplomacy? London: Grant Richards.

Herrick, Robert. The world decision. Boston: Houghton Mifflin.

Jacques, P. Les sources du conflit européen de 1914, ou Guillaume II responsable. 2e éd. Paris: Roussel. 1915. Pp. 320.

Jordan, D. S. Ways to lasting peace. Indianapolis: Bobbs-Merrill.

Lair, M. L'impérialisme allemand. Paris: A. Colin. 1915.

Lawson, W. R. British war finance, 1914–1915. London: Constable. 2d ed.

Lincoln, I. T. T. Revelations of an international spy. Robert M. McBride and Co. Pp. 323.

McClellan, George B. The heel of war. New York: Dillingham. Pp. 177

McGuire, James K. What could Germany do for Ireland? New York: Wolfe Tone Co.

Manning, W. R. Early diplomatic relations between the United States and Mexico. Baltimore: Johns Hopkins Press.

Marshall, Henry Rutgers. War and the ideal of peace. A study of those characteristics of men that result in war, and of the means by which they may be controlled. London: Unwin. Pp. 244.

Meinecke, F. The warfare of a nation. Worcester (Mass.): Davis Press.

Muller, Julius. The A B C of national defense. New York: Dutton.

Natesan, G. A. The Indian review warbook. Madras (India): G. A. Natesan and Co.

Ngaosiang-Tchou. Le régime des capitulations et la réforme constitutionnelle en Chine. Cambridge. 1915. Pp. viii, 230.

Orth, S. P. The imperial impulse. New York: Century. Pp. 234.

Palmer, John McAuley. An army of the people. New York: Putnam. Pp. 158.

Patterson, J. M. The note book of a neutral. New York: Duffield. Pp. 95.

Lord Courtney of Penwith. Nationalism and war in the near East. London: H. Milford. Pp. 460.

Phocas-Gosmetatos, S. P. Au lendemain des guerres balkaniques. Paris: Payot. 1915.

Piggott, Francis. The neutral merchant. London: Univ. of Lond. Press. Pp. 128.

Pitt, W. O. Italy and the unholy alliance. New York: Dutton. Pp. 224.

Plowden-Wardlaw, James. The test of war. London: R. Scott. Pp. 202.

Pons, A. La guerre et l'ame française. Paris: Bloud et Gay. 1915. Pp. 263.

Porter, R. P. Japan, the new world power. London: Oxford Univ. Press.

Powell, Alexander. Vive la France! New York: Scribner's. Pp. 254.

Pratt, E. A. The rise of rail power in war and conquest. London: King.

Pyke, H. Reason. The law of contraband of war. London: H. Milford. Pp. 330.

Rankin, Mary T. Arbitration and conciliation in Australasia. London: Allen and U. Pp. 192.

Reventlow, Ernst zu. Deutschlands auswärt. Politik 1888–1914. 3., vollst. neubearb. Aufl. Berlin: Mittler. 1916. Pp. xx, 480.

Richards, E. G. Nationalism in a nutshell. New York; Broadway Pub. Co.

Ridder, Herman. Hyphenations. New York: Max Schmetterling.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ritter, W. E. War, science, and civilization. Boston: Sherman, French.

Robertson, J. M. War and civilization. An open letter to a Swedish professor. London: Allen and U. Pp. 160.

Roosevelt, Theodore. Fear God and take your own part. New York: Doran. Pp. 414.

Rôsch, Adolf. Der Kulturkampf in Hohenzollern. Freiburg: Herdersche Verlh. 1916. Pp. 128.

Russell, B. Justice in war-time. Chicago: Open Court Pub. Co. Pp. 243.

Sabatier, Paul. A Frenchman's thoughts on the war. New York: Scribner's. Pp. 164.

Sarolea, Charles. The curse of the Hohenzollern. London: Allen and U. Pp. 102.

Sarolea, Charles. Great Russia: her achievement and promise. Alfred A. Knopf. Pp. 252.

Sarolea, Charles. The murder of nurse Cavell. London: Allen and U. Pp. 80.

Schiemann, Th. Die letzten Etappen zum Weltkrieg. Berlin: Reimer. 1915. Pp. iv, 352.

Sewall, May Wright. Women, world war and permanent peace. San Francisco: John J. Newbegin. Pp. 206.

Sherrill, C. H. Modernizing the Monroe Doctrine. Boston: Houghton Mifflin.

Skaggs, William H. German conspiracies in America. From an American point of view. London: Unwin. Pp. 360.

Spaulding, John A. The warfare of a nation. Worcester (Mass.): Davis Press. Pp. 60.

Stephens, K. The mastering of Mexico. New York: Macmillan.

Stevenson, R. T. Missions versus militarism. New York: Abingdon.

Strunsky, Simeon. Smith on preparedness. Brooklyn: B. W. Pub. Co. Pp. 48.

Thayer, W. R. Germany *vs.* civilization. Boston: Houghton Mifflin. Pp. 238.

Toland, Edward D. The aftermath of battle. New York: Macmillan. Pp. 175.

Usher, R. G. The challenge of the future. Boston: Houghton Mifflin. R. 238.

Wambach, G. Le dossier de la guerre. Paris: Fischbacher. Pp. xiv, 262.

Washburn, Stanley. The Russian campaign. New York: Scribner's. Pp. 348.

Waxweiler, Emile. Belgium, neutral and loyal. New York: Putnam. Pp. 338.

Wile, Frederic William. "Who's who in Hunland." London: Simpkin. Pp. 154.

Wise, Jennings C. Empire and armament. New York: Putnam.

Woodhull, Maxwell Van Zandt. West point in our next war. New York: Putnam.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ARTICLES IN PERIODICALS

Alsace Lorraine. La France et l'Alsace-Lorraine. *Henri Lichtenberger.* La. Rev. Pol. Int. Nov.-Déc., 1915.

Alsace-Lorraine. Le retour à la loi française en Alsace-Lorraine. Rev. Pol. et Par. 10 Fév. 1916.

America. America's obligations and opportunity. *George Burton Adams.* Yale Rev. April, 1916.

Antwerp. The truth about Antwerp. *Demetrius C. Boulger.* N. Am. Rev. Feb., 1916.

Arbitration. Internationale Schiedsgerichte und Einigungsämter. *W. Kulemann.* Archiv. des Öffent. Rechts. XXXV, 3. 1916.

Arbitration. The justiciability of international disputes. *Jesse S. Reeves.* Am. Pol. Sci. Rev. Feb., 1916.

Asia. The campaign in Western Asia. *H. G. Dwight.* Yale Rev. April, 1916.

Austria and Hungary. Österreichs und Ungarns Zollgemeinschaft. *Eugen von Philippovich.* Zeits. für Pol. IX, 1, 2. 1916.

Austria-Hungary. Autriche-Hongrie et France. (Réponse d'un Autrichien.) La Rev. Pol. Int. Nov.-Déc., 1915.

Balkans. Les chemins de fer balkaniques et leur rôle dans les origines de la guerre. *Joseph Thureau.* Rev. Pol. et Par. 10 Jan. 1916.

Balkans. Deutsche und österreichische Forschungs-und Bildungsarbeit auf dem Balkan. *Karl Dieterich.* Zeits. für Pol. IX, 1, 2, 1916.

Belgium. Der belgische Volkskrieg und Art. 1 und 2 der Haager Landkriegsordnung. *Karl Strupp.* Zeits. für Völker. IX, 3. 1916.

Belgium. Belgium and pan-Netherlandism. *Raymond College de Weerdt.* Contemp. Rev. March, 1916.

Belgium. Die Neutralität Belgiens und die Festungsverträge. *Josef Kohler.* Zeits. für Völkerr. IX, 3. 1916.

Blockades. Some questions of international law in the European war. VIII. Blockades. *James W. Gardner.* Am. Jour. of Int. Law. Oct., 1915.

British Empire. The war and the problem of empire. *Sidney Low.* Fort. Rev. March, 1916.

Canada. Why Canada is at war. *A Canadian.* Quart. Rev. Jan., 1916.

Central Control Board. The work of the central control board. *Sir T. P. Whittaker.* Contemp. Rev. March, 1916.

Conscription. Military compulsion. *Ellis J. Griffith.* Contemp. Rev. Feb., 1916.

Conscription. Military compulsion: another view. *W. Llewellyn Williams.* Contemp. Rev. Feb., 1916.

Consuls. The British consular service. *Percy F. Martin.* Brit. Rev. Dec., 1915.

Continuous Voyage. The "continuous voyage" doctrine during the Civil War, and now. *Simeon E. Baldwin.* Am. Jour. of Int. Law. Oct., 1915.

Contraband. The essence of contraband. *T. Baty.* Penn. Law Rev. Feb., 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Democracy. Democracy and the iron broom of war. An analysis and some proposals. *J. Ellis Barker.* Nine. Cent. Feb., 1916.

Democracy. Democratic control of foreign policy. *Gilbert Murray.* Contemp. Rev. Feb., 1916.

Democracy. Is democracy to blame? *Arthur A. Baumann.* Fort. Rev. March, 1916.

Denmark. The Danish agreement and the feeding of Germany. Quart. Rev. Jan., 1916.

Denmark. Denmark and the great war. *Geoffrey Pyke.* Fort. Rev. Jan., 1916.

Diplomacy. Thoughts on present diplomacy. *B. Branford and C. Brereton.* Brit. Rev. Oct., 1915.

England. The new outlook in Britannic affairs. *Ben. H. Morgan.* Britan. Rev. Jan., 1916.

Far East. Action and reaction in the far east. *E. Bruce Mitford.* Fort. Rev. Jan., 1916.

Far East. China, Japan and the hundred days. *E. Bruce Mitford.* Atlan. Mo. Feb., 1916.

Far East. Factors in the problems of the near east—Russia and Turkey. *J. A. R. Marriott.* Fort. Rev. March, 1916.

Foreign Policy. Common sense in foreign policy. *W. R. Shepherd.* Pol. Sci. Quart. March, 1916.

France. M. Briand's cabinet and its problems. *Charles Dawborn.* Fort. Rev. Jan., 1916.

Franco-Spanish Treaty. Le traité franco-espagnol du 27 novembre 1912, concernant le Maroc. *J. Basdevant.* Rev. Gén. de Droit Int. Pub. Nov.-Déc., 1916.

Freedom of Press. La régime juridique de la presse en Angleterre pendant la guerre. *Gaston Jeze.* Rev. du Droit Pub. et de la Sci. Pol. Oct.-Nov.-Déc., 1915.

German Propaganda. German propaganda in the United States. *Gustavus Ohlinger.* Atlan. Mo. April, 1916.

Germans in America. Les manoeuvres allemandes aux États-Unis—Herr. Dernburg u. Co. *V. H.* Rev. des Pol. Sci. 15 Fév. 1916.

Germany. L' "héroïque" Allemagne. *Arthur Chuquet.* Rev. des Sci. Pol. 15 Fév., 1916.

Germany. Our understanding the mind of Germany. *John Dewey.* Atlan. Mo. Feb., 1916.

Germany and Austria. Deutschland und Österreich-Ungarn. *Ottocar Weber.* Zeits. für Pol. IX, 1, 2. 1916.

India. India and the war. *Sidney Brooks.* N. Am. Rev. April, 1916.

International Law. The international assimilation of law—its needs and its possibilities from an American standpoint. *John H. Wigmore.* Ill. Law Rev. Jan., 1916.

International Law. International realities. *Philip Marshall Brown.* N. Am. Rev. April, 1916.

International Law. Völkerrecht für weitere Kreise. *Knorr.* Zeits. für Völkerr. IX, 3. 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ireland. Ireland during the war. *J. M. Howe.* Contemp. Rev. March, 1916.

Ireland. Recruiting in Ireland today. *James O. Hannay.* (*George A. Birmingham.*) Nine. Cent. Jan., 1916.

Japan. La politique du Japan pendant la première année de la guerre européenne. *Maurice Courant.* Rev. des. Sci. Pol. 15 Fév. 1916.

Latin America. Our Latin-American policy. *Richard Olney.* N. Am. Rev. Feb., 1916.

Maritime War. La guerre sur mer. *Paul Cloarec.* Rev. des Sci. Pol. 15 Fév. 1916.

Monroe Doctrine. The Monroe Doctrine and the great war. *Moreton Fremen.* Nine. Cent. Feb., 1916.

Monroe Doctrine. Pacific and Asiatic doctrines akin to the Monroe doctrine. *Albert Bushnell Hart.* Am. Jour. of Int. Law. Oct., 1915.

Nationality. Language and the sentiment of nationality. *Carl Darling Buck.* Am. Pol. Sci. Rev. Feb., 1916.

Near East. British diplomacy and the near east. Quart. Rev. Jan., 1916.

Nicaraguan Claims. The Nicaraguan mixed claims commission. *Otto Schoenrich.* Am. Jour. of Int. Law. Oct., 1915.

Occupation. Die völkerrechtliche okkupation. *H. Gellmann.* Zeits. f. d. Privat- und Öffentliche Recht. 1915. Nos. 2 and 4.

Patents. The war and our patent laws. *William Macomber.* Yale Law Jour. March, 1916.

Peace. The crux of the peace problem. *William Jewett Tucker.* Atlan. Mo. April, 1916.

Peace. The only way to lasting peace. *A. Shadwell.* Nine. Cent. Jan., 1916.

Peace. Le problème de la paix. *L.-V. Birck.* La Rev. Pol. Int. Nov.-Déc., 1915.

Persia. Persia and the Allies. *Dr. E. J. Dillon.* Contemp. Rev. March, 1916.

Poland. La Pologne d'hier et de demain. *M. le Comte Charles Potulicki.* La Rev. Pol. Int. Nov.-Déc., 1915.

Poland. Prussianism and the Poles. *J. H. Harley.* Brit. Rev. Oct., 1915.

Preparedness. The administration's military policy. *Richard Stockton, Jr.* N. Am. Rev. Feb., 1916.

Preparedness. Preparedness and democratic discipline. *George W. Alger.* Atlan. Mo. April, 1916.

Press Censorship. The censorship and its effects. Quart. Rev. Jan., 1916.

Prisoners of War. Die Kriegsgefangenen und das international Recht. *Julius von Wlassics.* Zeits. für Völkerr. IX, 3. 1916.

Prize. Les tribunaux de prises en grece. Leur constitution, leur fonctionnement et leur jurisprudence. *St. P. Sèfériadès.* Rev. Gén. de Droit Int. Pub. Jan.-Fév., 1916.

Protection of Citizens. Protection of American citizens. *David Jayne Hill.* N. Am. Rev. March, 1916.

Recruitment. L'Angleterre et le recrutement. *C. Cestre.* Rev. Pol. et Par. 10 Fév., 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Russia. Le budget et les finances de guerre de la Russie. *M. Lauwick.* Rev. Pol. et Par. 10 Jan., 1916.

Ruthenians. The Ukrainians (Ruthenians) and the war. *Bedwin Sands.* Contemp. Rev. March, 1916.

South Africa. South Africa and her German neighbor. *R. C. Hawkin.* Quart. Rev. Jan., 1916.

Suez Canal. The problem at Suez. *Charles Johnston.* N. Am. Rev. Feb., 1916.

Treaties. Die Staatsverträge der deutschen Bundesstatten über die Bestrafung von Forstfreveln und ähnlichen Vergehungen. *Karl Neumeyer.* Zeits. für Völkerr. IX, 3. 1916.

Turkey. Les capitulations Ottomanes. *Kémal Hilmy.* La Rev. Pol. Int. Nov.-Déc., 1915.

War. America and the war. *Charles Hobhouse.* Contemp. Rev. March, 1916.

War. The British government and war. Quart. Rev. Jan., 1916.

War. Le coût de la guerre. *Fernand Faure.* Rev. Pol. et Par. 10 Jan., 1916.

War. The crown colonies and the war. *Sir Charles Bruce.* Edinb. Rev. Oct., 1915.

War. Democracy, diplomacy and war. *J. A. R. Marriott.* Edinb. Rev. Oct., 1915.

War. The desecration of French monuments. *Edmund Gosse.* Edinb. Rev., Oct., 1915.

War. La guerre actuelle et le droit des gens. *A. Pillet.* Rev. Gén. de Droit Int. Pub. Jan.-Fév., 1916.

War. La guerre: responsabilités personnelles et causes fatales. *L. Morel.* Rev. des Sci. Pol. 15 Fév., 1916.

War. The humanity of modern warfare. *David Hannay.* Edinb. Rev. Oct., 1915.

War. A philosopher's view of the war. *Count Hermann Keyserling.* Atlan. Mo. Feb., 1916.

War. The shaping of mid-Europe. *H. N. Brailsford.* Contemp. Rev. March, 1916.

War. Über den Einfluss des Krieges auf Lieferungsverträge. *Karl Adler.* Zeits. f. d. Privat- und Öffentliche Recht. 1916. Nos. 1 and 2.

War. The war and American democracy. *Wilbur C. Abbott.* Yale Rev. April, 1916.

War. The war and the national temper: a year later. *Sir W. Ryland Adkins.* Contemp. Rev. March, 1916.

War. War relief and war service. *M. G. Fawcett.* Quart. Rev. Jan., 1916.

War. The root causes of the great war. Britan. Rev. July, 1915.

War. Some phases of the war situation. *Sir George E. Foster.* Britan. Rev. Jan., 1916.

War Profits. Die Besteuerung der Kriegsgewinne. *Ludwig Ebert.* Annalen des Deutschen Reichs, No. 8, 9, 1915.

Water Rights. Zur Lehre des internationalen Wasserrechts. Dr. *Lederle.* Annalen des Deutschen Reichs. Nos. 8, 9, 1915.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

War Profits. Das Problem der Veranlagungstechnik im Hinblick auf die Besteuerung der Kriegsgewinne. *L. Buck.* Annalen des Deutschen Reichs, No. 8, 9, 1915.

Wilson. President Wilson and his message. *James Davenport Whelpley.* Fort. Rev. Jan., 1916.

Wilson. President Wilson in the toils. *James Davenport Whelpley.* Fort. Rev. March, 1916.

JURISPRUDENCE

Books

Baty, T. Vicarious liability. London: H. Milford. Pp. 244.

Brend, William A. An enquiry into the statistics of deaths from violence and unnatural causes in the United Kingdom. London: Griffin. Pp. 84.

Cohen, Julius Henry. Law and order in industry. New York: Macmillan.

Commons, J. R., and Andrews, J. B. Principles of labor legislation. New York: Harper.

Field, Jessie, and Nearing, Scott. Community civics. New York: Macmillan. Pp. 270.

Hood, W. R. Digest of state laws relating to public education. Washington: Government Print. Off.

Lincoln, C. Z. The civil law and the church. New York: Abingdon.

Munro, W. B. Principles and methods of municipal administration. New York: Macmillan.

Nolen, John. City planning. New York: Appleton.

Salandra, A. Politica e legislazione; saggiraccolti. Bari: Laterza. 1915. Pp. 500.

Schaeffer, Henry. The social legislation of the primitive Semites. New York: Oxford Univ. Press.

Wallis, L. The struggle for justice. Chicago: Univ. Press.

Zueblin, Charles. American municipal progress. New York: Macmillan. Pp. 522.

Articles in Periodicals

Babylonian Law. Les lois des Babyloniens et des Hébreux. *René de Kérallain.* Rev. Gén. du Droit, de la Légis. et de la Juris. Nov.-Déc., 1915.

Belgian Courts. Les cours de justice et la procedure en Belgique. *Jean Fischbach.* Jurid. Rev. Dec., 1915.

Civil Rights. Sul concetto pubblicistico di azione civile. *Attilio Gaglio.* Riv. di Dir. Pub. VII, 4. 1915.

Corporations. The personality of associations. *Harold J. Laski.* Harv. Law Rev. Feb., 1916.

Crime. Propensity to crime. *Ignacio Villamor.* Jour. of Crim. Law and Crim. Jan., 1916.

Crime. Schuld und Haftung (im römischen Recht). *Hans Steiner.* Zeits. f. d. Privat-und Öffentliche Recht. 1916. Nos. 1 and 2.

Criminal Law. A sketch of the early development of English criminal law as displayed in Anglo-Saxon law. *Hampton L. Carson.* Jour. of Crim. Law and Crim. Jan., 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Criminal Responsibility. Insanity and criminal responsibility. *Edwin R. Keedy.* Jour. of Crim. Law and Crim. Jan., 1916.

Criminals. The criminal—why is he, and what we do to him. *George T. Page.* Jour. of Crim. Law and Crim. Jan., 1916.

Criminology. Fines and community protection in Springfield, Illinois. *Zenas L. Potter.* Jour. of Crim. Law and Crim. Jan., 1916.

Criminology. Indeterminate sentence, release on parole and pardon. *Edward Lindsey.* Jour. of Crim. Law and Crim. March, 1916.

Criminology. The individual delinquent. *Herman C. Stevens.* Jour. of Crim. Law and Crim. March, 1916.

Criminology. Intelligence and delinquency. A study of two hundred and fifteen cases. *J. Harold Williams.* Jour. of Crim. Law and Crim. Jan., 1916.

Criminology. The operation of the indeterminate sentence and parole law. *Amos M. Butler.* Jour. of Crim. Law and Crim. March, 1916.

Decisions. The welter of decisions. *Edward H. Warren.* Ill. Law Rev. Feb., 1916.

Democracy. Democracy and law. *Charles M. Hough.* Am. Law Rev. Nov.-Dec., 1915.

Democracy. Land tenure reform and democracy. *George E. Putnam.* Pol. Sci. Quart. March, 1916.

Domestic Relations. Individual interests in the domestic relations. *Roscoe Pound.* Mich. Law Rev. Jan., 1916.

Equity. The origin of English equity. *George Burton Adams.* Col. Law Rev. Feb., 1916.

French Criminal Procedure. Criminal procedure in France. *James W. Garner.* Yale Law Jour. Feb., 1916.

Jails. Model jail architecture. *W. C. Zimmerman.* Jour. of Crim. Law and Crim. Jan., 1916.

Jewish Law. The recognition of Jewish law in private international jurisprudence. *Norman Bentwich.* Am. Law Rev. Sept.-Oct., 1915.

Judicial Procedure. The law and equity reform bill. *A. L. Sanborn.* Yale Law Jour. Jan., 1916.

Judicial Procedure. The Pennsylvania practice act of 1915. *David Werner Amram.* Penn. Law Rev. Jan., 1916.

Judicial Procedure. A plea for the establishment in Mississippi of a modern unified court. *Sydney Smith.* Am. Bar Asso'n Jour. Jan., 1916.

Judicial Procedure. Vesting in the courts the power to make rules relating to pleading and practice. Am. Bar Asso'n Jour. Jan., 1916.

Jurisprudence. Jurisprudence: development and practical vocation. *James D. Andrews.* Yale Law Jour. Feb., 1916.

Justice. An inquiry concerning justice. *Floyd R. Mechem.* Mich. Law Rev. March, 1916.

Juvenile Crime. Juvenile delinquency in small cities. *E, W. Burgess.* Jour. of Crim. Law and Crim. Jan., 1916.

Law. The living law. *Louis D. Brandeis.* Ill. Law Rev. Feb., 1916.

Law. La "notion de droit" en France au XIX^{e} siècle. *J. Bonnecase.* Rev. Gén. du Droit, de la Légis. et de la Juris. Nov.-Dec., 1915.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Lawyers. Early courts and lawyers. *Oscar Hallam.* Yale Law Jour. March, 1916.

Lawyers. The lawyer and democracy. *C. G. Ogburn.* Am. Law Rev. Sept.-Oct., 1915.

Lawyers. Renaissance lawyers. *John M. Zane.* Ill. Law Rev. March, 1916.

Legal Philosophy. Ueber kritische und metaphysiche Rechtsphilosophie. *Julius Binder.* Archiv für Rechts- und Wirtschaftsphil. Jan., 1916.

Legal Procedure. A legislative indictment of the courts. *J. B. Winslow.* Harv. Law Rev., Feb., 1916.

Legal Procedure. The Michigan judicature act of 1915. *Edson R. Sutherland.* Mich. Law Rev. Feb.-March, 1916.

Legal Procedure. New York's simplified act. *Fred L. Gross.* Yale Law Jour. March, 1916.

Legal Procedure. Studies in English civil procedure. III. The county courts. *Samuel Rosenbaum.* Penn. Law Rev. Feb.-March, 1916.

Legislation. Principles of legislation. *Ernst Freund.* Am. Pol. Sci. Rev. Feb., 1916.

Marriage. Judicial tendencies in impairment of the marriage relation. *Henry T. Blake and Henry Schofield.* Ill. Law Rev. March, 1916.

Parole. The paroling of prisoners sentenced to county jails with special reference to Wisconsin. *J. L. Gillin.* Jour. of Crim. Law and Crim. Jan., 1916.

Philippines. Courts in the Philippines—old, new. *David Cecil Johnson.* Mich. Law Rev. Feb., 1916.

Prison Reform. Prison reform. *Joseph P. Byers.* Jour. of Crim. and Crim. March, 1916.

Property. Protection of industrial property. *H. A. Toulmin, Jr.* Va. Law Rev. Dec., 1915.

Punishment. Punitive pain and humiliation. *Marquis Eaton.* Jour. of Crim. Law and Crim. March, 1916.

Religious Meetings. Disturbance of religious meetings in the American law. *Carl Zollman.* Am. Law Rev. Nov.-Dec., 1915.

Requisitions. Notes de jurisprudence: I. Droit à réparation pour réquisitions faites, par l'ennemi. *M. A. Henry.* Rev. du Droit Pub. et de la Sci. Pol. Oct.-Nov.-Dec., 1915.

Rights and Duties. The correspondence of duties and rights. *Henry T. Terry.* Yale Law Jour. Jan., 1916.

Tolstoy. Tolstoy's doctrine of law. *M. S. Stanoyevich.* Am. Law Rev. Jan.-Feb., 1916.

MUNICIPAL GOVERNMENT

Books

Farrington, Frank. Community development. New York: Ronald Press.

Robinson, C. M. City planning. New York: Putnam.

Elliott, Edward. American government and majority rule. Princeton: Univ. Press. Pp. 175.

Wright, Henry C. The American city. Chicago: McClurg. Pp. 178.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Articles in Periodicals

Baker. Mayor Baker's administration in Cleveland. *C. C. Arbuthnot.* Nat. Munic. Rev. April, 1916.

Blankenburg. The Blankenburg administration in Philadelphia. *Charles Francis Jenkins.* Nat. Munic. Rev. April, 1916.

City Manager. Professional standards and professional ethics in the new profession of city manager. *R. S. Childs and others.* Nat. Munic. Rev. April, 1916.

Home Rule. The progress of municipal home rule in Ohio. *Mayo Fesler.* Nat. Munic. Rev. April, 1916.

Municipal Home Rule. Charter amending powers of cities under Michigan home-rule legislation. *Robert E. Jacobson.* Mich. Law Rev. Feb., 1916.

Proportional Representation. Proportional representation: a fundamental or a fad. *Herman G. James.* Nat. Munic. Rev. April, 1916.

Salaries. Standardization of salaries in American cities. *William C. Beyer.* Nat. Munic. Rev. April, 1916.

Statistics. Comparative statistics of British cities. *Le Grand Powers.* Nat. Munic. Rev. April, 1916.

MISCELLANEOUS

Books

Angell, Norman. Social progress and the Darwinian theory. New York: Putnam. Pp. 417.

Benton, J. H. Voting in the field. Boston: W. B. Clarke.

Bristol, L. M. Social adaptation. Cambridge: Harvard Univ. Press.

Carlyle, R. W. and A. J. A history of mediaeval political theory in the West. Vol. III. Political theory from the tenth century to the thirteenth. London: Blackwood. Pp. 223.

Castle, Jr., W. R. Wake up, America. New York: Dodd, Mead.

Chesterton, Gilbert K. The crimes of England. New York: John Lane.

Chuquet, A. De Fréderic II à Guillaume II. Paris: E. de Boccard. 1915. Pp. 375.

Cubberley, E. P. Public school administration. Boston: Houghton Mifflin.

Fowler, Charles N. The national issues of 1916. Pub. by author. Pp. 435.

Goodsell, Willystine. A history of the family as a social and educational institution. New York: Macmillan. Pp. 588.

Hauser, H. Méthodes allemandes d'expansion economique. Paris: A. Colin.

Hill, H. W. The new public health. New York: Macmillan.

Hunter, Robert. Violence and the labour movement. London: Routledge. Pp. 407.

Huntington, Ellsworth. Civilization and climate. New Haven: Yale Univ. Press. Pp. 333.

Hyndman, H. M. The future of democracy. New York: Scribner's.

Jennings, E. The people and their property. New York: Broadway Pub. Co.

Johnson, Owen. The spirit of France. Boston: Little, Brown. Pp. 256.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Journal of the national institute of social sciences. New York: The Alexander Press.

Kelly, Marshall. Carlyle and the war. Chicago: Open Court Pub. Co.

Larnaude, F. Les sciences juridiques et politiques. Paris: Larousse. 1915. Pp. 80.

Marvin, F. S. The unity of Western civilization. New York: Oxford Univ. Press.

Millioud, Maurice. The ruling caste and the frenzied trade in Germany. London: Constable. Pp. 158.

Moore, E. Dante's de Monarchia, with introduction on the political theory of Dante, by W. H. V. Reade. London: H. Milford.

Parsons, Elsie C. Social freedom. New York: Putnam.

Roman, C. V. American civilization and the negro. Philadelphia: F. A. Davis. Pp. 434.

Sarolea, Charles. Europe's debt to Russia. London: Heinemann. Pp. 262.

Scott, Wellington. Seventeen years in the underworld. New York: Abingdon.

Smith, Thomas F. A. What Germany thinks. New York: George H. Doran.

Spargo, John. Marxian socialism and religion. New York: Huebsch. Pp. 187.

Stevens, Edward Cleveland. English railways: their development and their relation to the state. New York: Dutton. Pp. 332.

Teele, Ray Palmer. Irrigation in the Unites States. New York: Appleton. Pp. 253.

Triana, S. P. The Pan-American financial conference in 1915. London: Heinemann. Pp. 140.

Wickware, F. G. The American year book for 1915. New York: Appleton.

Articles in Periodicals

Austria. The quintessence of Austria. *Henry Wickham Steed.* Edinb. Rev. Oct., 1915.

Austrian Political Theory. Der österreichische Staatsgedanke und das deutsche Volk. *Robert Sieger.* Zeits. für Pol. IX, 1, 2. 1916.

Church. Gli enti ecclesiastici nel diritto pubblico. *Arturo Carolo Jemolo.* Riv. di Dir. Pub. VII, 4. 1915.

Democracy. Current theories of democracy: An analysis of truths and errors. *W. H. Mallock.* Nine. Cent. Jan., 1916.

England. The need of a conference of Britannic societies. Britan. Rev. Oct., 1915.

European Idea. La crise de l'idée européenne. *Melchior Palágyi.* La Rev. Pol. Int. Nov.-Déc., 1915.

Government. The elemental functions of government. *W. W. Lucas.* Jurid. Rev. Dec., 1915.

Industrial Regulation. Development of government in industry. *Earl Dean Howard.* Ill. Law Rev. March, 1916.

Irrigation. Public service irrigation companies. *Samuel C. Wiel.* Col. Law Rev. Jan., 1916.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kultur. Christianity *v.* Kultur. Britan. Rev. July, 1915.

Latin America. Strengthening of Latin America. *Charles H. Sherrill.* N. Am. Rev. March, 1916.

Machiavelli. Machiavelli: a study in statecraft. *John G. Vance.* Brit. Rev. Nov., 1915.

Monarchy. Das ständisch-monarchische Staatsrecht und die österreichische Gesamt-oder Länderstaatsidee. *Friedrich Tezner.* Zeits. f. d. Privat- und Öffentliche Recht. 1916. Nos. 1 and 2.

Nationalism. The national idea. *J. Holland Rose.* Contemp. Rev. March, 1916.

Pan-America. Pan-American monetary unity. *E. W. Kemmerer.* Pol. Sci. Quart. March, 1916.

Patriotism. Social training and patriotism in Germany and in England. *R. S. Nolan.* Nine. Cent. Feb., 1916.

Political Authority. Le fondement de l'autorité politique. *M. H. Berthelémy.* Rev. du Droit Pub. et de la Sci. Pol. Oct.-Nov.-Déc., 1915.

Population. Bevölkerungsprobleme. *Heinrich Pudor.* Annalen des Deutschen Reichs, No. 8, 9, 1915.

Presidential Primary. The presidential primary in Ordgon. *James D. Barnett.* Pol. Sci. Quart. March, 1916.

Prohibition. Government and prohibition. *John Koren.* Atlan. Mo. April, 1916.

Public Service. Education and the public service. *Sir Harry H. Johnston.* Nine. Cent. Feb., 1916.

Railroad Regulations. Railroad regulation in Illinois and elsewhere. *Blewett Lee.* Ill. Law Rev. Jan., 1916.

Railway Regulation. Federal financial railway regulation. *William D. Ripley.* N. Am. Rev. April, 1916.

Railway Valuation. The federal valuation of railroads. *Morrell W. Gaines.* Yale Rev. April, 1916.

Rousseau. The return of Rousseau: a reply to Mr. W. H. Mallock. *Cecil Chesterton.* Nine. Cent. March, 1916.

Russia. The spirit of Russia. *H. Bailey.* Brit. Rev. Dec., 1915.

Spencer. Herbert Spencer's "postscript" to "the man *vs.* the state" (with comments by David Jayne Hill). Forum. Feb., 1916.

Spencer. Herbert Spencer's "the sins of legislators" (with comments by Harlan F. Stone). Forum. March, 1916.

State. Der Staat als sittliches Wesen. *A. Mendelssohn Bartholdy.* Archiv für Rechts- und Wirtschaftsphil. Jan., 1916.

Tariff Commission. The proposal for a tariff commission. *F. W. Taussig.* N. Am. Rev. Feb., 1916.

Voltaire. Voltaire and Frederick the Great. *Lytton Strachey.* Edinb. Rev. Oct., 1915.

Vox Populi. Vox populi. *The Earl of Cromer.* Nine. Cent. March, 1916.

Wilson. President Wilson's administration. *Winfield Storey.* Yale Rev. April, 1916.

Woman's Suffrage. Woman's suffrage in the city of Chicago. *E. W. Eckert.* Pol. Sci. Quart. March, 1916.

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ELECTRONIC REPRODUCTION PROHIBITED

GENERAL REPORT OF THE COMMITTEE ON ACADEMIC FREEDOM AND ACADEMIC TENURE

PRESENTED AT THE ANNUAL MEETING OF THE ASSOCIATION

December 31, 1915

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PREFATORY NOTE

At the December, 1913, meetings of the American Economic Association, the American Political Science Association, and the American Sociological Society, a joint committee of nine was constituted to consider and report on the questions of academic freedom and academic tenure, so far as these affect university positions in these fields of study. At the December, 1914, meeting of these three associations a preliminary report on the subject was presented by the joint committee.

At the meeting of the American Association of University Professors in January, 1915, it was decided to take up the problem of academic freedom in general, and the President of the Association was authorized to appoint a committee of fifteen which should include, so far as the members were eligible, this joint committee of nine. The committee was therefore constituted as follows:

Edwin R. A. Seligman, *Chairman*, Columbia University (Economics).

Richard T. Ely, University of Wisconsin (Economics).

Frank A. Fetter, Princeton University (Economics).

James P. Lichtenberger, University of Pennsylvania (Sociology).

Roscoe Pound, Harvard University (Law).

Ulysses G. Weatherly, University of Indiana (Sociology).

J. Q. Dealey, Brown University (Political Science).

Henry W. Farnam, Yale University (Political Science).

Charles E. Bennett, Cornell University (Latin).

Edward C. Elliott, University of Wisconsin (Education).

Guy Stanton Ford, University of Minnesota (History).

Charles Atwood Kofoid, University of California (Zoology).

Arthur O. Lovejoy, Johns Hopkins University (Philosophy).

Frederick W. Padelford, University of Washington (English).

Howard C. Warren, Princeton University (Psychology).

In view of the necessity of investigating an incident at the University of Pennsylvania, Professor Lichtenberger resigned

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in August, 1915, and was replaced by Prof. Franklin H. Giddings. Columbia University (Sociology). Professor Elliott, having been elected Chancellor of the University of Montana, resigned in October. Professor Ford resigned in December, on account of inability to attend the meetings of the committee.

The committee of fifteen had scarcely been constituted when a number of cases of alleged infringement of academic freedom were brought to its attention. These cases were not only numerous, but also diverse in character, ranging from dismissals of individual professors to dismissal or resignation of groups of professors, and including also the dismissal of a university president, and the complaint of another university president against his board of trustees. The total number of complaints laid before the chairman of the committee during the year was eleven. As it was impossible for the committee to command the time or the amount of voluntary service necessary for dealing with all of these cases, those which seemed the most important were selected, and for each of these a sub-committee of inquiry was constituted. In the case of the University of Utah the special committee began work in April and published its report during the summer. In the case of controversies at the University of Colorado, the University of Montana, the University of Pennsylvania, and Wesleyan University, the committees of inquiry have their reports either completed or in an advanced stage of preparation. The general committee has had several meetings and has advised the committees of inquiry upon questions of principle and of method and procedure; but it has not, as a body, participated in the investigations of facts, and the committees of inquiry alone are responsible for their respective findings of fact. The general committee has, however, examined these special reports, and, accepting the findings of the sub-committees upon questions of fact, has approved their conclusions.

Three cases for which the committee was unable to secure investigating committees of this Association have been reported, after some preliminary inquiries, to the appropriate specialist societies; one case, arising at Dartmouth College, to the American Philosophical Association; one at Tulane University, to the American Physiological Society; and one at the University of Oklahoma, to the American Chemical Society.

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The committee of fifteen has conceived it to be its duty to consider the problem of academic freedom as a whole and to present a report thereon. Such a report is herewith submitted.* The findings of special committees which have not already been printed will be presented in due course.

The safeguarding of a proper measure of academic freedom in American universities requires both a clear understanding of the principles which bear upon the matter, and the adoption by the universities of such arrangements and regulations as may effectually prevent any infringement of that freedom and deprive of plausibility all charges of such infringement. This report is therefore divided into two parts, the first constituting a general declaration of principles relating to academic freedom, the second presenting a group of practical proposals, the adoption of which is deemed necessary in order to place the rules and procedure of the American universities, in relation to these matters, upon a satisfactory footing.

* The committee has not hesitated to incorporate, by permission, a number of sentences from articles on the same subject published during the year by members of the committee or of the Association.

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I. GENERAL DECLARATION OF PRINCIPLES

The term "academic freedom" has traditionally had two applications—to the freedom of the teacher and to that of the student, *Lehrfreiheit* and *Lernfreiheit*. It need scarcely be pointed out that the freedom which is the subject of this report is that of the teacher. Academic freedom in this sense comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance and action. The first of these is almost everywhere so safeguarded that the dangers of its infringement are slight. It may therefore be disregarded in this report. The second and third phases of academic freedom are closely related, and are often not distinguished. The third, however, has an importance of its own, since of late it has perhaps more frequently been the occasion of difficulties and controversies than has the question of freedom of intra-academic teaching. All five of the cases which have recently been investigated by committees of this Association have involved, at least as one factor, the right of university teachers to express their opinions freely outside the university or to engage in political activities in their capacity as citizens. The general principles which have to do with freedom of teaching in both these senses seem to the committee to be in great part, though not wholly, the same. In this report, therefore, we shall consider the matter primarily with reference to freedom of teaching within the university, and shall assume that what is said thereon is also applicable to the freedom of speech of university teachers outside their institutions, subject to certain qualifications and supplementary considerations which will be pointed out in the course of the report.

An adequate discussion of academic freedom must neces-

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sarily consider three matters: (1) the scope and basis of the power exercised by those bodies having ultimate legal authority in academic affairs; (2) the nature of the academic calling; (3) the function of the academic institution or university.

1. Basis of academic authority

American institutions of learning are usually controlled by boards of trustees as the ultimate repositories of power. Upon them finally it devolves to determine the measure of academic freedom which is to be realized in the several institutions. It therefore becomes necessary to inquire into the nature of the trust reposed in these boards, and to ascertain to whom the trustees are to be considered accountable.

The simplest case is that of a proprietary school or college designed for the propagation of specific doctrines prescribed by those who have furnished its endowment. It is evident that in such cases the trustees are bound by the deed of gift, and, whatever be their own views, are obligated to carry out the terms of the trust. If a church or religious denomination establishes a college to be governed by a board of trustees, with the express understanding that the college will be used as an instrument of propaganda in the interests of the religious faith professed by the church or denomination creating it, the trustees have a right to demand that everything be subordinated to that end. If, again, as has happened in this country, a wealthy manufacturer establishes a special school in a University in order to teach, among other things, the advantages of a protective tariff, or if, as is also the case, an institution has been endowed for the purpose of propagating the doctrines of socialism, the situation is analogous. All of these are essentially proprietary institutions, in the moral sense. They do not, at least as regards one particular subject, ac-

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cept the principles of freedom of inquiry, of opinion, and of teaching; and their purpose is not to advance knowledge by the unrestricted research and unfettered discussion of impartial investigators, but rather to subsidize the promotion of the opinions held by the persons, usually not of the scholar's calling, who provide the funds for their maintenance. Concerning the desirability of the existence of such institutions, the committee does not desire to express any opinion. But it is manifestly important that they should not be permitted to sail under false colors. Genuine boldness and thoroughness of inquiry, and freedom of speech, are scarcely reconcilable with the prescribed inculcation of a particular opinion upon a controverted question.

Such institutions are rare, however, and are becoming ever more rare. We still have, indeed, colleges under denominational auspices; but very few of them impose upon their trustees responsibility for the spread of specific doctrines. They are more and more coming to occupy, with respect to the freedom enjoyed by the members of their teaching bodies, the position of untrammeled institutions of learning, and are differentiated only by the natural influence of their respective historic antecedents and traditions.

Leaving aside, then, the small number of institutions of the proprietary type, what is the nature of the trust reposed in the governing boards of the ordinary institutions of learning? Can colleges and universities that are not strictly bound by their founders to a propagandist duty ever be included in the class of institutions that we have just described as being in a moral sense proprietary? The answer is clear. If the former class of institutions constitute a private or proprietary trust, the latter constitute a public trust. The trustees are trustees for the public. In the case of our state universities this is self-evident. In the case of most of our privately endowed institutions, the situation is really not different. They cannot be permitted

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to assume the proprietary attitude and privilege, if they are appealing to the general public for support. Trustees of such universities or colleges have no moral right to bind the reason or the conscience of any professor. All claim to such right is waived by the appeal to the general public for contributions and for moral support in the maintenance, not of a propaganda, but of a non-partisan institution of learning. It follows that any university which lays restrictions upon the intellectual freedom of its professors proclaims itself a proprietary institution, and should be so described whenever it makes a general appeal for funds; and the public should be advised that the institution has no claim whatever to general support or regard.

This elementary distinction between a private and a public trust is not yet so universally accepted as it should be in our American institutions. While in many universities and colleges the situation has come to be entirely satisfactory, there are others in which the relation of trustees to professors is apparently still conceived to be analogous to that of a private employer to his employees; in which, therefore, trustees are not regarded as debarred by any moral restrictions, beyond their own sense of expediency, from imposing their personal opinions upon the teaching of the institution, or even from employing the power of dismissal to gratify their private antipathies or resentments. An eminent university president thus described the situation not many years since:

> In the institutions of higher education the board of trustees is the body on whose discretion, good feeling, and experience the securing of academic freedom now depends. There are boards which leave nothing to be desired in these respects; but there are also numerous bodies that have everything to learn with regard to academic freedom. These barbarous boards exercise an arbitrary power of dismissal. They exclude from the teachings of the university unpopular or dangerous subjects. In some states they even treat professors' positions as common political spoils;

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and all too frequently, both in state and endowed institutions, they fail to treat the members of the teaching staff with that high consideration to which their functions entitle them.*

It is, then, a prerequisite to a realization of the proper measure of academic freedom in American institutions of learning, that all boards of trustees should understand—as many already do—the full implications of the distinction between private proprietorship and a public trust.

2. The nature of the academic calling

The above-mentioned conception of a university as an ordinary business venture, and of academic teaching as a purely private employment, manifests also a radical failure to apprehend the nature of the social function discharged by the professional scholar. While we should be reluctant to believe that any large number of educated persons suffer from such a misapprehension, it seems desirable at this time to restate clearly the chief reasons, lying in the nature of the university teaching profession, why it is to the public interest that the professorial office should be one both of dignity and of independence.

If education is the corner stone of the structure of society and if progress in scientific knowledge is essential to civilization, few things can be more important than to enhance the dignity of the scholar's profession, with a view to attracting into its ranks men of the highest ability, of sound learning, and of strong and independent character. This is the more essential because the pecuniary emoluments of the profession are not, and doubtless never will be, equal to those open to the more successful members of other professions. It is not, in our opinion, desirable that men should be drawn into this profession by the magnitude of the

* From "Academic Freedom," an address delivered before the New York Chapter of the Phi Beta Kappa Society at Cornell University, May 29, 1907, by Charles William Eliot, LL.D., President of Harvard University.

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economic rewards which it offers; but it is for this reason the more needful that men of high gifts and character should be drawn into it by the assurance of an honorable and secure position, and of freedom to perform honestly and according to their own consciences the distinctive and important function which the nature of the profession lays upon them.

That function is to deal at first hand, after prolonged and specialized technical training, with the sources of knowledge; and to impart the results of their own and of their fellow-specialists' investigations and reflection, both to students and to the general public, without fear or favor. The proper discharge of this function requires (among other things) that the university teacher shall be exempt from any pecuniary motive or inducement to hold, or to express, any conclusion which is not the genuine and uncolored product of his own study or that of fellow-specialists. Indeed, the proper fulfilment of the work of the professorate requires that our universities shall be so free that no fair-minded person shall find any excuse for even a suspicion that the utterances of university teachers are shaped or restricted by the judgment, not of professional scholars, but of inexpert and possibly not wholly disinterested persons outside of their ranks. The lay public is under no compulsion to accept or to act upon the opinions of the scientific experts whom, through the universities, it employs. But it is highly needful, in the interest of society at large, that what purport to be the conclusions of men trained for, and dedicated to, the quest for truth, shall in fact be the conclusions of such men, and not echoes of the opinions of the lay public, or of the individuals who endow or manage universities. To the degree that professional scholars, in the formation and promulgation of their opinions, are, or by the character of their tenure appear to be, subject to any motive other than their own scientific conscience and a desire for the respect of their fellow-experts, to that degree the university teaching

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profession is corrupted; its proper influence upon public opinion is diminished and vitiated; and society at large fails to get from its scholars, in an unadulterated form, the peculiar and necessary service which it is the office of the professional scholar to furnish.

These considerations make still more clear the nature of the relationship between university trustees and members of university faculties. The latter are the appointees, but not in any proper sense the employees, of the former. For, once appointed, the scholar has professional functions to perform in which the appointing authorities have neither competency nor moral right to intervene. The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession; and while, with respect to certain external conditions of his vocation, he accepts a responsibility to the authorities of the institution in which he serves, in the essentials of his professional activity his duty is to the wider public to which the institution itself is morally amenable. So far as the university teacher's independence of thought and utterance is concerned—though not in other regards—the relationship of professor to trustees may be compared to that between judges of the Federal courts and the Executive who appoints them. University teachers should be understood to be, with respect to the conclusions reached and expressed by them, no more subject to the control of the trustees, than are judges subject to the control of the President, with respect to their decisions; while of course, for the same reason, trustees are no more to be held responsible for, or to be presumed to agree with, the opinions or utterances of professors, than the President can be assumed to approve of all the legal reasonings of the courts. A university is a great and indispensable organ of the higher life of a civilized community, in the work of which the trustees hold an essential and highly honorable place, but in which the faculties hold an independent place, with quite equal responsi-

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bilities—and in relation to purely scientific and educational questions, the primary responsibility. Misconception or obscurity in this matter has undoubtedly been a source of occasional difficulty in the past, and even in several instances during the current year, however much, in the main, a long tradition of kindly and courteous intercourse between trustees and members of university faculties has kept the question in the background.

3. The function of the academic institution

The importance of academic freedom is most clearly perceived in the light of the purposes for which universities exist. These are three in number:

A. To promote inquiry and advance the sum of human knowledge.

B. To provide general instruction to the students.

C. To develop experts for various branches of the public service.

Let us consider each of these. In the earlier stages of a nation's intellectual development, the chief concern of educational institutions is to train the growing generation and to diffuse the already accepted knowledge. It is only slowly that there comes to be provided in the highest institutions of learning the opportunity for the gradual wresting from nature of her intimate secrets. The modern university is becoming more and more the home of scientific research. There are three fields of human inquiry in which the race is only at the beginning: natural science, social science, and philosophy and religion, dealing with the relations of man to outer nature, to his fellow men, and to the ultimate realities and values. In natural science all that we have learned but serves to make us realize more deeply how much more remains to be discovered. In social science in its largest sense, which is concerned with the relations of men in society and with the conditions of social order and well-

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being, we have learned only an adumbration of the laws which govern these vastly complex phenomena. Finally, in the spiritual life, and in the interpretation of the general meaning and ends of human existence and its relation to the universe, we are still far from a comprehension of the final truths, and from a universal agreement among all sincere and earnest men. In all of these domains of knowledge, the first condition of progress is complete and unlimited freedom to pursue inquiry and publish its results. Such freedom is the breath in the nostrils of all scientific activity.

The second function—which for a long time was the only function—of the American college or university is to provide instruction for students. It is scarcely open to question that freedom of utterance is as important to the teacher as it is to the investigator. No man can be a successful teacher unless he enjoys the respect of his students, and their confidence in his intellectual integrity. It is clear, however, that this confidence will be impaired if there is suspicion on the part of the student that the teacher is not expressing himself fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem. The average student is a discerning observer, who soon takes the measure of his instructor. It is not only the character of the instruction but also the character of the instructor that counts; and if the student has reason to believe that the instructor is not true to himself, the virtue of the instruction as an educative force is incalculably diminished. There must be in the mind of the teacher no mental reservation. He must give the student the best of what he has and what he is.

The third function of the modern university is to develop experts for the use of the community. If there is one thing that distinguishes the more recent developments of dem-

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ocracy, it is the recognition by legislators of the inherent complexities of economic, social, and political life, and the difficulty of solving problems of technical adjustment without technical knowledge. The recognition of this fact has led to a continually greater demand for the aid of experts in these subjects, to advise both legislators and administrators. The training of such experts has, accordingly, in recent years, become an important part of the work of the universities; and in almost every one of our higher institutions of learning the professors of the economic, social, and political sciences have been drafted to an increasing extent into more or less unofficial participation in the public service. It is obvious that here again the scholar must be absolutely free not only to pursue his investigations but to declare the results of his researches, no matter where they may lead him or to what extent thay may come into conflict with accepted opinion. To be of use to the legislator or the administrator, he must enjoy their complete confidence in the disinterestedness of his conclusions.

It is clear, then, that the university cannot perform its threefold function without accepting and enforcing to the fullest extent the principle of academic freedom. The responsibility of the university as a whole is to the community at large, and any restriction upon the freedom of the instructor is bound to react injuriously upon the efficiency and the *morale* of the institution, and therefore ultimately upon the interests of the community.

The attempted infringements of academic freedom at present are probably not only of less frequency than, but of a different character from, those to be found in former times. In the early period of university development in America the chief menace to academic freedom was ecclesiastical, and the disciplines chiefly affected were philosophy

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and the natural sciences. In more recent times the danger zone has been shifted to the political and social sciences—though we still have sporadic examples of the former class of cases in some of our smaller institutions. But it is precisely in these provinces of knowledge in which academic freedom is now most likely to be threatened, that the need for it is at the same time most evident. No person of intelligence believes that all of our political problems have been solved, or that the final stage of social evolution has been reached. Grave issues in the adjustment of men's social and economic relations are certain to call for settlement in the years that are to come; and for the right settlement of them mankind will need all the wisdom, all the good will, all the soberness of mind, and all the knowledge drawn from experience, that it can command. Towards this settlement the university has potentially its own very great contribution to make; for if the adjustment reached is to be a wise one, it must take due account of economic science, and be guided by that breadth of historic vision which it should be one of the functions of a university to cultivate. But if the universities are to render any such service towards the right solution of the social problems of the future, it is the first essential that the scholars who carry on the work of universities shall not be in a position of dependence upon the favor of any social class or group, that the disinterestedness and impartiality of their inquiries and their conclusions shall be, so far as is humanly possible, beyond the reach of suspicion.

The special dangers to freedom of teaching in the domain of the social sciences are evidently two. The one which is the more likely to affect the privately endowed colleges and universities is the danger of restrictions upon the expression of opinions which point towards extensive social innovations, or call in question the moral legitimacy or social expediency of economic conditions or commercial practices in which large vested interests are involved. In the politi-

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cal, social, and economic field almost every question, no matter how large and general it at first appears, is more or less affected with private or class interests; and, as the governing body of a university is naturally made up of men who through their standing and ability are personally interested in great private enterprises, the points of possible conflict are numberless. When to this is added the consideration that benefactors, as well as most of the parents who send their children to privately endowed institutions, themselves belong to the more prosperous and therefore usually to the more conservative classes, it is apparent that, so long as effectual safeguards for academic freedom are not established, there is a real danger that pressure from vested interests may, sometimes deliberately and sometimes unconsciously, sometimes openly and sometimes subtly and in obscure ways, be brought to bear upon academic authorities.

On the other hand, in our state universities the danger may be the reverse. Where the university is dependent for funds upon legislative favor, it has sometimes happened that the conduct of the institution has been affected by political considerations; and where there is a definite governmental policy or a strong public feeling on economic, social, or political questions, the menace to academic freedom may consist in the repression of opinions that in the particular political situation are deemed ultra-conservative rather than ultra-radical. The essential point, however, is not so much that the opinion is of one or another shade, as that it differs from the views entertained by the authorities. The question resolves itself into one of departure from accepted standards; whether the departure is in the one direction or the other is immaterial.

This brings us to the most serious difficulty of this problem; namely, the dangers connected with the existence in a democracy of an overwhelming and concentrated public opinion. The tendency of modern democracy is for men to

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think alike, to feel alike, and to speak alike. Any departure from the conventional standards is apt to be regarded with suspicion. Public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual. It almost seems as if the danger of despotism cannot be wholly averted under any form of government. In a political autocracy there is no effective public opinion, and all are subject to the tyranny of the ruler; in a democracy there is political freedom, but there is likely to be a tyranny of public opinion.

An inviolable refuge from such tyranny should be found in the university. It should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world. Not less is it a distinctive duty of the university to be the conservator of all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment. Though it need not be the "home of beaten causes," the university is, indeed, likely always to exercise a certain form of conservative influence. For by its nature it is committed to the principle that knowledge should precede action, to the caution (by no means synonymous with intellectual timidity) which is an essential part of the scientific method, to a sense of the complexity of social problems, to the practice of taking long views into the future, and to a reasonable regard for the teachings of experience. One of its most characteristic functions in a democratic society is to help make public opinion more self-critical and more circumspect, to check the more hasty and unconsidered impulses of popular feeling, to train the democracy to the habit of looking before and after. It is precisely this function of the university which is most injured by any restriction upon academic freedom; and it is precisely those who most value this aspect of the univer-

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sity's work who should most earnestly protest against any such restriction. For the public may respect, and be influenced by, the counsels of prudence and of moderation which are given by men of science, if it believes those counsels to be the disinterested expression of the scientific temper and of unbiased inquiry. It is little likely to respect or heed them if it has reason to believe that they are the expression of the interests, or the timidities, of the limited portion of the community which is in a position to endow institutions of learning, or is most likely to be represented upon their boards of trustees. And a plausible reason for this belief is given the public so long as our universities are not organized in such a way as to make impossible any exercise of pressure upon professorial opinions and utterances by governing boards of laymen.

Since there are no rights without corresponding duties, the considerations heretofore set down with respect to the freedom of the academic teacher entail certain correlative obligations. The claim to freedom of teaching is made in the interest of the integrity and of the progress of scientific inquiry; it, is, therefore, only those who carry on their work in the temper of the scientific inquirer who may justly assert this claim. The liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar's method and held in a scholar's spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy, and temperateness of language. The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions

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of the great historic types of doctrine upon the questions at issue; and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.

It is, however, for reasons which have already been made evident, inadmissible that the power of determining when departures from the requirements of the scientific spirit and method have occurred, should be vested in bodies not composed of members of the academic profession. Such bodies necessarily lack full competency to judge of those requirements; their intervention can never be exempt from the suspicion that it is dictated by other motives than zeal for the integrity of science; and it is, in any case, unsuitable to the dignity of a great profession that the initial responsibility for the maintenance of its professional standards should not be in the hands of its own members. It follows that university teachers must be prepared to assume this responsibility for themselves. They have hitherto seldom had the opportunity, or perhaps the disposition, to do so. The obligation will doubtless, therefore, seem to many an unwelcome and burdensome one; and for its proper discharge members of the profession will perhaps need to acquire, in a greater measure than they at present possess it, the capacity for impersonal judgment in such cases, and for judicial severity when the occasion requires it. But the responsibility cannot, in this committee's opinion, be rightfully evaded. If this profession should prove itself unwilling to purge its ranks of the incompetent and the unworthy, or to prevent the freedom which it claims in the name of science from being used as a shelter for inefficiency, for superficiality, or for uncritical and intemperate partisanship, it is certain that the task will be performed by others—by others who lack certain essential qualifications for performing it, and whose action

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is sure to breed suspicions and recurrent controversies deeply injurious to the internal order and the public standing of universities. Your committee has, therefore, in the appended "Practical Proposals" attempted to suggest means by which judicial action by representatives of the profession, with respect to the matters here referred to, may be secured.

There is one case in which the academic teacher is under an obligation to observe certain special restraints—namely, the instruction of immature students. In many of our American colleges, and especially in the first two years of the course, the student's character is not yet fully formed, his mind is still relatively immature. In these circumstances it may reasonably be expected that the instructor will present scientific truth with discretion, that he will introduce the student to new conceptions gradually, with some consideration for the student's preconceptions and traditions, and with due regard to character-building. The teacher ought also to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own. It is not the least service which a college or university may render to those under its instruction, to habituate them to looking not only patiently but methodically on both sides, before adopting any conclusion upon controverted issues. By these suggestions, however, it need scarcely be said that the committee does not intend to imply that it is not the duty of an academic instructor to give to any students old enough to be in college a genuine intellectual awakening and to arouse in them a keen desire to reach personally verified conclusions upon all questions of general concernment to mankind, or of special significance for their own

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time. There is much truth in some remarks recently made in this connection by a college president:

> Certain professors have been refused reëlection lately, apparently because they set their students to thinking in ways objectionable to the trustees. It would be well if more teachers were dismissed because they fail to stimulate thinking of any kind. We can afford to forgive a college professor what we regard as the occasional error of his doctrine, especially as we may be wrong, provided he is a contagious center of intellectual enthusiasm. It is better for students to think about heresies than not to think at all; better for them to climb new trails, and stumble over error if need be, than to ride forever in upholstered ease in the overcrowded highway. It is a primary duty of a teacher to make a student take an honest account of his stock of ideas, throw out the dead matter, place revised price marks on what is left, and try to fill his empty shelves with new goods.*

It is, however, possible and necessary that such intellectual awakening be brought about with patience, considerateness and pedagogical wisdom.

There is one further consideration with regard to the class-room utterances of college and university teachers to which the committee thinks it important to call the attention of members of the profession, and of administrative authorities. Such utterances ought always to be considered privileged communications. Discussions in the class room ought not to be supposed to be utterances for the public at large. They are often designed to provoke opposition or arouse debate. It has, unfortunately, sometimes happened in this country that sensational newspapers have quoted and garbled such remarks. As a matter of common law, it is clear that the utterances of an academic instructor are privileged, and may not be published, in whole or part, without his authorization. But our practice, unfortunately, still differs from that of foreign countries,

* President William T. Foster in *The Nation*, November 11, 1915.

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and no effective check has in this country been put upon such unauthorized and often misleading publication. It is much to be desired that test cases should be made of any infractions of the rule.*

In their extra-mural utterances, it is obvious that academic teachers are under a peculiar obligation to avoid hasty or unverified or exaggerated statements, and to refrain from intemperate or sensational modes of expression. But, subject to these restraints, it is not, in this committee's opinion, desirable that scholars should be debarred from giving expression to their judgments upon controversial questions, or that their freedom of speech, outside the university, should be limited to questions falling within their own specialities. It is clearly not proper that they should be prohibited from lending their active support to organized movements which they believe to be in the public interest. And, speaking broadly, it may be said in the words of a non-academic body already once quoted in a publication of this Association, that "it is neither possible nor desirable to deprive a college professor of the political rights vouchsafed to every citizen."†

It is, however, a question deserving of consideration by members of this Association, and by university officials, how far academic teachers, at least those dealing with political, economic and social subjects, should be prominent in the management of our great party organizations, or should be candidates for state or national offices of a dis-

* The leading case is Abernethy vs. Hutchinson, 3 L. J., Ch. 209. In this case where damages were awarded the court held as follows. "That persons who are admitted as pupils or otherwise to hear these lectures, although they are orally delivered and the parties might go to the extent, if they were able to do so, of putting down the whole by means of shorthand, yet they can do that only for the purpose of their own information and could not publish, for profit, that which they had not obtained the right of selling."

† Report of the Wisconsin State Board of Public Affairs, December 1914.

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tinctly political character. It is manifestly desirable that such teachers have minds untrammeled by party loyalties, unexcited by party enthusiasms, and unbiased by personal political ambitions; and that universities should remain uninvolved in party antagonisms. On the other hand, it is equally manifest that the material available for the service of the State would be restricted in a highly undesirable way, if it were understood that no member of the academic profession should ever be called upon to assume the responsibilities of public office. This question may, in the committee's opinion, suitably be made a topic for special discussion at some future meeting of this Association, in order that a practical policy, which shall do justice to the two partially conflicting considerations that bear upon the matter, may be agreed upon.

It is, it will be seen, in no sense the contention of this committee that academic freedom implies that individual teachers should be exempt from all restraints as to the matter or manner of their utterances, either within or without the university. Such restraints as are necessary should in the main, your committee holds, be self-imposed, or enforced by the public opinion of the profession. But there may, undoubtedly, arise occasional cases in which the aberrations of individuals may require to be checked by definite disciplinary action. What this report chiefly maintains is that such action can not with safety be taken by bodies not composed of members of the academic profession. Lay governing boards are competent to judge concerning charges of habitual neglect of assigned duties, on the part of individual teachers, and concerning charges of grave moral delinquency. But in matters of opinion, and of the utterance of opinion, such boards can not intervene without destroying, to the extent of their intervention, the essential nature of a university—without converting it from a place dedicated to openness of mind, in which

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the conclusions expressed are the tested conclusions of trained scholars, into a place barred against the access of new light, and precommitted to the opinions or prejudices of men who have not been set apart or expressly trained for the scholar's duties. It is, in short, not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession, that is asserted by this declaration of principles. It is conceivable that our profession may prove unworthy of its high calling, and unfit to exercise the responsibilities that belong to it. But it will scarcely be said as yet to have given evidence of such unfitness. And the existence of this Association, as it seems to your committee, must be construed as a pledge, not only that the profession will earnestly guard those liberties without which it can not rightly render its distinctive and indispensable service to society, but also that it will with equal earnestness seek to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for that service.

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II. PRACTICAL PROPOSALS

As the foregoing declaration implies, the ends to be accomplished are chiefly three:

First: To safeguard freedom of inquiry and of teaching against both covert and overt attacks, by providing suitable judicial bodies, composed of members of the academic profession, which may be called into action before university teachers are dismissed or disciplined, and may determine in what cases the question of academic freedom is actually involved.

Second: By the same means, to protect college executives and governing boards against unjust charges of infringement of academic freedom, or of arbitrary and dictatorial conduct—charges which, when they gain wide currency and belief, are highly detrimental to the good repute and the influence of universities.

Third: To render the profession more attractive to men of high ability and strong personality by insuring the dignity, the independence, and the reasonable security of tenure, of the professorial office.

The measures which it is believed to be necessary for our universities to adopt to realize these ends—measures which have already been adopted in part by some institutions—are four:

A. *Action by Faculty Committees on Reappointments.* Official action relating to reappointments and refusals of reappointment should be taken only with the advice and consent of some board or committee representative of the faculty. Your committee does not desire to make at this time any suggestion as to the manner of selection of such boards.

B. *Definition of Tenure of Office.* In every institution

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there should be an unequivocal understanding as to the term of each appointment; and the tenure of professorships and associate professorships, and of all positions above the grade of instructor after ten years of service, should be permanent (subject to the provisions hereinafter given for removal upon charges). In those state universities which are legally incapable of making contracts for more than a limited period, the governing boards should announce their policy with respect to the presumption of reappointment in the several classes of position, and such announcements, though not legally enforceable, should be regarded as morally binding. No university teacher of any rank should, except in cases of grave moral delinquency, receive notice of dismissal or of refusal of reappointment, later than three months before the close of any academic year, and in the case of teachers above the grade of instructor, one year's notice should be given.

C. *Formulation of Grounds for Dismissal.* In every institution the grounds which will be regarded as justifying the dismissal of members of the faculty should be formulated with reasonable definiteness; and in the case of institutions which impose upon their faculties doctrinal standards of a sectarian or partisan character, these standards should be clearly defined and the body or individual having authority to interpret them, in case of controversy, should be designated. Your committee does not think it best at this time to attempt to enumerate the legitimate grounds for dismissal, believing it to be preferable that individual institutions should take the initiative in this.

D. *Judicial Hearings Before Dismissal.* Every university or college teacher should be entitled, before dismissal* or demotion, to have the charges against him stated in

* This does not refer to refusals of reappointment at the expiration of the terms of office of teachers below the rank of associate professor. All such questions of reappointment should, as above provided, be acted upon by a faculty committee.

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writing in specific terms and to have a fair trial on those charges before a special or permanent judicial committee chosen by the faculty senate or council, or by the faculty at large. At such trial the teacher accused should have full opportunity to present evidence, and, if the charge is one of professional incompetency, a formal report upon his work should be first made in writing by the teachers of his own department and of cognate departments in the university, and, if the teacher concerned so desire, by a committee of his fellow specialists from other institutions, appointed by some competent authority.

The above declaration of principles and practical proposals are respectfully submitted by your committee to the approval of the Association, with the suggestion that, if approved, they be recommended to the consideration of the faculties, administrative officers, and governing boards of the American universities and colleges.

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At the annual meeting of the American Association of University Professors held in Washington, D. C., on January 1, 1916, it was moved and carried that the report of the Committee on Academic Freedom and Academic Teuure be accepted and approved.

JOHN DEWEY, *President.*
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YOUNG, H. O., The Portland, Washington, D. C.
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